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A

SERIES OF LECTURES

ON THE

SCIENCE OF GOVERNMENT,

INTENDED TO PREPARE THE STUDENT

FOR THE

STUDY OF THE CONSTITUTION OF THE UNITED STATES.

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These lectures are published at the earnest and oft-repeated request of those to whom they were addressed. Their purpose was to subdue the mind of the student to a sense of the difficulty of the task before him. Hence, taken as a whole, they do not profess to arrive at any *positive* conclusion. The writer's aim was to lead his pupils, by cautious steps, to the boundary between what is known, and that which is unknown, perhaps unknowable; that, standing there, upon the brink of that dark abyss, they might learn to distinguish between *theory* and *fact*—between *reason* and *conjecture*—between *opinion*, properly so called, and the crude unconsidered notions which men so often dignify by that name.

In this view, the introductory discourse, and one or two others which formed no part of the original series, are now made a part of it. They all have the same general tendency, to impress the student with a sense of the vastness and importance of the subject, and to teach him patience under a sense of ignorance of the great result such as his teacher was not ashamed to avow.

The following discourse on the "importance of the study of political science, as a branch of academic education in the United States," was read before the Literary Societies of Randolph-Macon College, Virginia, in June 1840. It was not intended to be a part of any series of discourses; but the subject makes it quite proper to place it here as an introduction to these Lectures.

LECTURE I.

I beg you to believe, gentlemen, that I do not use the language of empty compliment, when I avow the pleasure with which I appear before you. In saying this I do not merely intend to express my grateful sense of the honour you have done me. You need not be told that I know how to prize a compliment which assigns me a place among the wise, the learned, the eloquent and distinguished men, who have heretofore performed the task to which I am now called. But I have a source of pleasure in presenting myself before you, which is all my own:—a higher, holier, and a purer, because a sadder source.

It is impossible to look on the changes which every day makes in all we see; on the march of intellect, the discoveries of science, the inventions of art, the development of resources not suspected, and the employment of agents not before known to exist, without a wish to look forward to the future, and to anticipate the results of some yet hidden wonder, with which use

shall make our children familiar. We find ourselves speculating on the thoughts with which the men of the last century would look upon the altered state of things in every part of the world, where science and civilization shed their light, and then we think that we too shall presently go down to the tomb, and sleep in unconscious ignorance of other changes and new discoveries, in which so much that now interests us shall be swept away and forgotten. The name of FRANKLIN was rendered famous by his discoveries in electricity; but the instruments of *his* science were the toys of our childhood. The cloud-cleaving bolt of the thunderer became a plaything, and now has almost lost its interest, in the discovery of the marvellous powers of a kindred agent, in which we almost fancy that we detect the mystery of life itself. How have the resources of the world, even in our own time, been multiplied by steam! But what is steam compared with the unwearied, spontaneous, and self-renewing power, which now the magnet promises to exert in the service of man? And who shall assign bounds to the researches of the human mind; and who shall estimate the resources now locked up in the great store-house of nature? We know that the race may be indefinitely multiplied; and we know the power of mind acting on mind, and developing all the faculties, by that reciprocation of thought which makes the knowledge and power of all, the knowledge and power of each. See what has been achieved! The lightning of heaven has been brought down to earth, and made to do the work of a harmless drudge; and the cold bosom of the stream has been kindled into flame, and made the source of light and heat. Is there no alchemy by which stones shall be made bread, and the means of subsistence multiplied in proportion to the progressive increase of the human race? None can say that this may not be so. None can say that there is a mystery in physical science which man shall not successfully explore, nor an agent in nature so unmanageable, nor a substance so inert that it shall not become the docile and energetic servant of his will.

What destiny awaits him who can tell? He was *made* a little lower than the angels. Is he, even here on earth, to renounce this subordination, and take an equal place by the side of these winged ministers of their maker's pleasure?

Who can think of these things, and not sadden at the thought that all this may be so, but not for him? He may catch the enthusiasm of science, and eagerly watch the progress of those investigations which promise such glorious discoveries; but in the moment when anticipations are most cheering, and hope is brightest, there is a voice that whispers,

> "Gaze on, while yet thy gladdened eye may see:
> A morrow comes, when they are not for thee;
> But creeping things shall revel in their spoil,
> And fit thy clay to fertilize the soil."

So true it is, "As a flower of the field man flourisheth, and the wind passeth over it and it is gone; and the place thereof shall know it no more."

What then? Shall we murmur that such is to be our fate, when in other moods we exult in our high destiny, and boast ourselves of the advantages which so eminently distinguish this generation from all that have gone before it? And is there not besides a graver, and perhaps a sager frame of mind, in which we doubt whether this sort of distinction is indeed a thing to rejoice in? In the midst of this age of wonders, and in the feverish excitement of this hurried march of mind, does not a sigh at times escape us, when we think of the untaught wisdom, the simple virtues, and the quiet enjoyments of those who already sleep in the tomb that is opening to receive us?

Man shall multiply till the earth swarms with the race. Will the *individual* man be happier then than now? He shall find new sources of enjoyment, till all of splendour and luxury and delight that art can now supply shall seem mean, insipid and tame. Will his pleasures be sweeter, his sleep calmer, his sum of enjoyment greater, and his measures of suffering less than now? He shall mount up on the wings of science,

and the stars shall teach him their mysteries: he shall plunge into the depths of ocean, and draw from thence the secrets of the abyss; and wonder shall cease, and mystery shall be no more. Will he be deeper read in that wisdom which gives peace to the soul, and guides it safely amid the temptations which beset prosperity, and in a moment plunge it in stains "eternity shall not efface?" And he who sleeps in that peace which God denies not to the humblest creature, who, knowing nothing else, knows himself as he is, and his maker as his redeemer, and meekly submits to his dispensations, and confidingly rejoices in his promises:—should such a one be awakened from the tomb, to witness the glories of that intellectual millennium, which the votaries of science anticipate, would he find cause to regret that his Creator had been pleased to appoint his time on earth in a day of comparative darkness and ignorance? Would he not find the truth of that which has been true since the days of Solomon? There was *then nothing new* under the sun; nor is there now; nor will there ever be: for all that was, and is, and shall be,—*all is vanity:* all is vanity and vexation of spirit.

Gentlemen—twenty-five years ago, I stood among the inhabitants of this place, a busy actor in the busy scenes of that day. I was then in the flush of vigorous and aspiring manhood. The frost of age has now settled on my head, and ambition is tamed, and passion is quelled; and the long vista of hope, which then extended before me, has been traversed; and the tomb, which terminates it, (then unseen in the distance,) now near at hand, displays its open portals fearfully distinct. My eye, turn where it might, then rested on familiar faces:—and friends, never to be forgotten, cheered me in my struggles, consoled me in defeat and triumphed with me in success. "There is a friend that sticketh closer than a brother," and such a one I had.*

* The friend here alluded to was John H. Speed, Esq., of Boydton; a gentleman of the bar, who died at a very early age, but not without having first established a reputation for talent,

Where is he now? Where are they all; the reckless and the joyous, the kind, the good, the generous, the brave—where are they? Knock at the gates of death, and there demand them, and the answer shall be given, when the archangel's trump shall echo through the hollow recesses, and burst the marble jaws of the tomb. *All* indeed are not gone. Some few, like myself,

> "Some few, all weak and withered of their force,
> Rest on the verge of dark eternity,
> Like stranded wrecks."

Will you pardon, gentlemen, this allusion to the past? Or will you deny all sympathy to one, who, in a scene like this, and at a moment when the throb of hope beats strongest in your hearts, and when all is eager anticipation of the spirit-stirring strifes and triumphs of opening life, would turn your thoughts to the forgotten dead? It is perhaps unreasonable: but in such a scene it is natural for me, when

> "I see around me the wide field revive,
> With fruits, and fertile promise, and the spring
> Come forth her work of gladness to contrive,
> With all her reckless birds upon the wing,
> To turn from all she brings to those she cannot bring."

Yet think me not, I pray you, insensible or indifferent to the value of other changes which time has wrought in this place. I should indeed deserve to be stigmatised as the "*querulus et difficilis laudator temporis acti*," could I forbear to congratulate you on those changes, and especially on the moral and intellectual improvement, which are nowhere, perhaps, so striking and encouraging as at this spot. It is the contemplation of this improvement which has prompted the thoughts I have uttered, and suggested the theme to which I propose to invite your attention.

spirit, integrity and energy, which insured him the respect of all who knew him. All these qualities the grave covers; but in addition to these he had secured to himself that best of blessings, of which the full fruition is reserved for the world beyond the tomb.

It is impossible to witness the advance of science and the progress of society in all the arts of life, without a saddening thought of that primeval curse, which, like the sword of the cherub, still flames before the gate of that only paradise of the human heart, a state of sinless purity. There may be, and I believe there is, no assignable limit to the *intellectual* attainments and *physical* triumphs of man. God has given him dominion over the earth, and all that it contains, and to conquer and possess it, like the Israelites of old, is his appointed task and his manifest destiny. God has given him "dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth on the earth," and all these things are subject to him. The might of the elephant, and the speed of the horse, and the talons of the falcon, and the wings of the dove, are his instruments, and the serpent's fang is disarmed of its venom, and the fierceness of the tiger crouches to his mastery. In all the earth one thing, and one alone, rebels against him, and defies him. IT IS HIS OWN HEART. The stain of far-descended ancestral sin is upon it, and it is not, and it cannot be subject to that will which should be his. "Deceitful above all things, who can know it?" Alas! how vain the hope that the discoveries of science, and all the triumphs of art, will do more than gild his wretchedness, and make his misery conspicuous in hopeless splendour, while he heeds not the voice of him, who has threatened to "curse his blessings," if he does not receive them as his maker's gift, and learn to subdue his passions and his appetites to his maker's will!

What study then so important as the study of himself? What knowledge so precious as the knowledge of that mystery of iniquity in his own heart, which ever lurks like a serpent amid the flowers with which he bedecks his path: which can turn honey to gall, and light to darkness, and blessings to curses? It is upon this knowledge that the value of all other knowledge depends. All other light without this is darkness,—

"darkness visible," but serving "to discover sights of wo."

"The proper study of mankind is man."

To all men, in all conditions, self-knowledge and self-control are indispensable to happiness. And if this be true of all, how emphatically is it true of those who know no human authority but that which they themselves create! In the establishment of this authority; in fixing its extent; in regulating the manner of its exercise; in selecting those to whom it is to be delegated, how important a duty do they perform! And HE—who stretches forth his hand to receive the sceptre of command, to minister between God and man in the important task of giving law to will and appetite—how high the function to which he is called! What qualities does it demand—what wisdom; what prudence; what virtue, in him who aspires to it!

Does this thought seem new and strange? It may well do so, accustomed as you are to see the suffrage of the citizen conferred as a matter of compliment or favour, under no guidance but that of whim or partiality; and the authority of government assumed for the gratification of a childish vanity, or the accomplishment of some selfish and unworthy purpose. Bear with me then, I pray you, while I endeavour to vindicate the truth of what I have just said, and to "show the line and the predicament wherein you range," in all that pertains to government, under the king of kings, the law-giver of law-givers, the ruler of the universe.

It gives me pleasure to believe that I am addressing an audience, who will not dislike to be reminded that the God whose power is over all things; who commands the sun and moon in their seasons; and guides the planets through the pathless heavens; and sends the wayward yet obedient comet on his errands into the deep abyss of space unfathomable; yet condescends to interest himself in all that concerns a being so insignificant as man: that he whom angels and archangels

obey, yet deigns to engage the service of the sons of Adam. What service? What can he need, that he should ask any thing at our hands? "If he were hungry, surely he would not tell us, for the world is his, and the fulness thereof." It is not sacrifices and burnt-offerings he demands at our hands. "He will take no bullock out of our house, nor he goat out of our flocks," for "he knows all the fowls of the mountain; and the beasts of the forest, and the cattle on a thousand hills are his." For what service were we designed—we with our limited faculties, and feeble powers, and fleeting breath? For what: but that we should "offer unto God thanksgiving, and pay our vows to the most high; and call upon him in the day of trouble?" It is the heart of man that he requires, and the subordination of the heart is all the service he demands.

Gentlemen; if it may be permitted to one not worthy to take that holy name upon his lips, to scan the purposes of the most high, may we not entertain the thought, that the very weakness, which, when we have done all we can, leaves us yet unprofitable servants, is implanted in the nature of man, as the means of qualifying him for the only service God requires of him? It is through his wants and infirmities that he is made subject to the discipline of life; and what is the end and effect of all that discipline, but to purge the heart of the selfishness of self-love, and to subdue the wilfulness of self-will? Why else is the helplessness of infancy inflicted, and the child of immortality condemned, through that long pupilage, to an authority which controls all his actions, and moulds his mind, and sways his affections, and reaches even to the thoughts and desires of his heart? Why else do the infirmities of nature compel a reciprocal dependence of men upon each other, for innumerable offices, without which the race must perish? Why is society thus made necessary to man, but that he may learn to submit his will to the laws of society? Why is government made necessary to the authority and existence of social order, but to familiarize him with the idea that

crime shall not go unpunished? From the cradle to the grave, obedience to something besides his own will is the lesson inculcated and enforced; and by this lesson the pride of man is humbled, and his selfishness is rebuked, and his affections are expanded, and his heart is purified, and made worthy to be a temple where God may dwell.

When we reflect on these things, we are made sensible that all the authority to which man is made subject on earth is God's instrument for the accomplishment of his great work in the regeneration of his fallen nature. We are thus made to see how true it is, and in what sense it is true, "that the powers that be are ordained of God; that there is no power but of him; that whosoever resisteth the salutary restraints of social order and discipline resisteth God; and that by him kings reign, and princes decree justice."

I beseech you, gentlemen, wrong me not so far, as to suppose that I mean to revive the exploded and impious maxims of king-craft, which consecrate the authority and person of princes as by the sanction of divine appointment. GOVERNMENT *is* decreed of God; and the decree is enforced by a sanction so cogent, that the race of man must perish if it be not obeyed. GOVERNMENT *is* decreed of God: its authority is from him; and it is his minister and co-worker in his great purpose of subduing the heart of man to the obedience of the gospel. But *who they are* that shall exercise the powers of government, and what shall be *the mode and measure* of their authority, are matters which he leaves to man to decide for himself. That he be careful to decide wisely and discreetly, is a duty which he owes not more to himself than to others, and most of all, to his maker. It is God's will that restraints shall be placed on passion and appetite. They who struggle against these restraints resist his will. They, who, being blessed by his providence with the high privilege of choosing their form of government, and enacting their own laws, forbear to impose them, slight his authority, and thwart his gracious purpose. They, who, being entrusted with the choice of their own

rulers, elevate to that high function men disposed to neglect or abuse their authority; to connive at crime, and make a league with iniquity; these insult their maker, and bring contempt on his ordinances and his providence. But vainly do they strive against his will. It is his decree that self-control is the inseparable condition of political freedom; and that they who, being free, refuse to put moral chains on their own appetites, shall establish over themselves a master, who shall load them with fetters of iron. The history of all the free governments which have flourished and decayed, is the history of the fulfilment of this decree.

I do not affirm the *divine right of kings* or *numbers*. *No particular* form of government is of divine appointment; but it is the decree of Heaven, not proclaimed in thunder, nor engraved on stone, but written on the heart, and stamped into the nature of man, that government *of some sort* there shall be. It *is* the will of Heaven, that passion shall be submitted to the dominion of reason; and that the evil propensities of the creature be subjected to those restraints which are necessary to subdue him to the authority of his Creator. What these shall be depends at first on himself. The yoke that reason imposes is easy. To him who voluntarily assumes this, no more is necessary; while he whose idea of freedom demands an exemption from all restraint, and who therefore gives himself up to the dominion of passion, presently finds himself chained down with fetters imposed by the hands of others. Such must be the consequence of every attempt to carry freedom beyond that limit which a respect for the rights of others and the law of God prescribes.

It has been truly said, by an enlightened foreigner,* whom I am proud to quote, that man is, by nature, a political animal, and that his natural state is a state of political society. "The state," says he—that is government of some sort, "is aboriginal with man: it is no voluntary association; no contrivance of art, or invention of suffering; no company of shareholders; no

* Professor Lieber, of the University of South Carolina.

machine; no work of contract by individuals who previously lived out of it; no necessary evil; no ill of humanity, which will be cured in time and by civilization; no accidental thing; no institution above, and separate from society; no instrument of one or a few: the state is a *form* and *faculty* of mankind to lead the species toward perfection. It is the glory of man."

Is it then a light thing, gentlemen, to be placed in a condition which charges upon us all the responsibility for the form in which this institution shall be framed, and the manner of its operation? You must reject as idle speculations the thoughts that I have suggested, or you must be sensible, that no object can be of more importance, than to qualify ourselves to act wisely and worthily our parts in an affair of so much moment. And will you permit yourselves to believe, that the necessary qualification is to be acquired by charging the memory with a few specious political maxims, calculated to cheat us into the belief, that, though in all things else, bound to conform our conduct to the dictates of justice and prudence, yet, in this high concernment, we are free to give ourselves up to the impulses of passion and the suggestions of caprice?

The accident of birth has lately placed the crown of a mighty kingdom on the head of a young woman: and this circumstance communicates an air of romance to the transactions of her court, and invests them with an unusual interest. The papers on both sides of the Atlantic are full of anecdote and details on that subject. We see her exercising her august authority to regulate the head-dresses of the ladies, and to decide the colour and adjust the tie of the cravats of her courtiers. Sinking the character of the queen in that of the woman, her most serious thoughts have been engaged in the selection of a husband; and, in the critical posture of her affairs, she permits herself to think that the services of the wisest, purest and ablest men in the kingdom are to be rejected, because they cannot be accepted without some sacrifice of her private predilections. We can see the folly and wickedness of this, and there needs no Daniel to read the

handwriting on the wall which denounces her doom and that of her empire. What is the source of this fond and fatal delusion?

According to the forms of the constitution, she is taught to speak of *her* fleets, *her* armies, *her* parliament, and *her* people. She has heard of the divine right of kings, and has perhaps learned to look upon the ceremony of installation as an anointing from on high. Can we wonder, then, if, looking abroad on the wide and flourishing land over which she reigns, on the commerce that whitens every ocean with its sails, on the well-appointed armies, whose force is felt beyond the Ganges, and the numerous fleets, which, like the bird of Jove, carry her bolts in their pounces to the uttermost verge of the sea, can we wonder, if, while musing upon all this, a voice should whisper in her ear, "For thy pleasure all these things are and were created?" If such infatuation as this possesses her mind, we shall be at no loss to understand how she may believe that her favour confers an honour in comparison with which the noblest birth and the highest personal merit may sink into contempt. We shall no longer wonder to see her endeavouring to degrade all that is illustrious in her kingdom, and insulting the descendants of statesmen, warriors and kings, and the men whose services have established her throne, and whose fame is the glory of England, by seeking to give precedence over all these to a *foreigner*,* a *boy*, a *singing*, *rhyming coxcomb*, for no better reason than that she has chosen him to be the partner of her bed. With the example before her of the fate of all those of her predecessors, who have ventured to sink the royal character in that of friend, or paramour, or husband, she

* It is not my intention to deny that the husband of the English queen may be a very well-behaved and modest young gentleman. If he be compared only with others of his age, it would be unjust to speak of him otherwise. But when he is put forward with a claim of precedence over such a man as Lord Wellington, it is allowable to speak of him with contempt. Unwarranted pretension *always* excites, and therefore justifies contempt.

has the folly to suppose that the qualities which please a lady's eye, the accomplishments that grace her drawing-room and enliven her boudoir, entitle the possessor to more of the conventional tokens of respect and honour than a lineage traced from the victors of Cressy, the barons of Runnimede, or the Conqueror himself: more even than the laurelled crown of him beneath whose prowess sunk that terror of the earth, before whom all Europe trembled, and whose power shook, not only the throne of her ancestors, but the very foundation of her island kingdom. It is of course that she should claim the right to surround herself with councillors suited to her taste, and to be guided by the artful flattery of an imbecile profligate in preference to the graver wisdom of the men to whom England looks to save her from impending ruin.

Gentlemen, we all see the folly of these things, and we can all anticipate, with some degree of certainty, the mischiefs in which they must end. But what is the root of all? What is it, but the fatal mistake of one, who, being intrusted by providence with the high prerogative of government, supposes that, in that station, so exalted, yet so responsible, it is not the will of her maker, but her own, that is to be consulted? And whence is this mistake but in her ignorance of the deep mysteries of political science, in which lies hid so much that the temporal welfare of man requires him to know? On this knowledge, depends not only the security of government itself, but the preservation and order of society, the intellectual and moral improvement of the race, and its advance to that high, refined, enlightened civilization, which is the end of man's being and his destiny.

Gentlemen—are the duties of that unfortunate young woman more difficult than our own? Are the tasks of royalty more intricate and perplexed, more full of paradox and mystery than that of *self*-government? Is it harder to understand the structure and principles of a constitution, which conforms, in so many particulars, to that model with which statesmen are most familiar, than the complicated machinery of institutions like our

own? If this be so, we may then feel justified in censuring the follies and caprices of crowned heads, and yet, resting in contented ignorance, take no part of the censure to ourselves. If this be so, we may condemn the rash and impious presumption, which, without due preparation, ventures on duties of such magnitude and importance, and, at the same time perhaps, find some excuse for our own neglect of those qualifications, which fit the free citizen for the task of self-government. But may it not deserve a serious thought whether some part of the judgment which we pronounce upon the sceptred rules of the earth may not recoil on our own heads? "To censure others while we act the same," is a common error, and unless we feel assured that the duties of self-government are so simple, so easy and so consistent with self-*indulgence*, as to require no preparation of the mind or heart, we may find it hard to excuse ourselves for neglecting our own political education, and that of our children. It is not pleasant, when we have denounced the crimes and derided the follies of others, to be found in the same faults and to hear the whisper of conscience: "*Mutato nomine, de te fabula narratur.*"

When we hear of a sceptred ruler, and a subject people, we have before us ideas with which the world has been familiar from the very infancy of government. We may speculate on the *source* of *his* authority, and the *motives* of *their* obedience. But let the authority be admitted, and the habit of obedience established, and the rest is plain. There is no paradox in such a case. To study the interests of his people, to exercise his authority for the promotion of their welfare, which must be his, and steadily to apply that moral discipline and cultivation, which may make obedience liberal and duty pleasant, is the ruler's task. With the nature of this task all men are made familiar by the habits of domestic life. The father, who feels, as a father should, for the happiness and virtue of his children, is in the constant exercise of analogous duties, and he has been prepared for them by his own experience of their salutary influence on his infancy and youth.

But when we endeavour to form distinct ideas of that relation, in which every man is at once ruler and subject; of the sovereign citizen, who recognises no laws but those of his own enactment, and no authority not constituted by himself; who acknowledges subordination to the laws, yet claims to stand on a footing of equality with those who enact, and those who enforce them; who must be and remain a slave to the wayward sway of appetite and passion, unless by his own act, he imposes chains on these masters of human action, and subdues himself to the dominion of a reason not his own: when we endeavour, in contriving the scheme of self-government, to determine the relation of cause and effect; to determine the nature and degree of that action and re-action, in which government is seen to make man what he is, while man in turn, *because of what he is*, stamps on the government the impress of his own character: we find ourselves entangled in a web of paradox so intricate, that philosophy herself is at a loss to fix the point where her speculations on consequences and results should commence. Which is cause and which is consequence? Are all people capable of self-government? If ignorant, can they know what is good? If vicious, will they choose it? Who shall enlighten their ignorance, when they select their own teachers, and reject all who inculcate unpalatable truths? Who shall bring their passions under the control of reason, and condemn their vices to the lash of the law, when they are in condition to denounce as unreasonable every maxim which does not give license to passion, and when their own hands must place the scourge in that of the executioner?

Do I state this too strongly: and are you prepared to say, that, if these things be so, then the problem of free government is impracticable, and the very idea of self-government an absurdity? Gentlemen—this conclusion would be just, were there no other terms in the proposition besides those I have adverted to. The scheme of perpetual motion is not more absurd, than the idea of causes producing and reproducing indefi-

nitely their own causes. There must be an agency independent of these, a force from without to set in motion this endless series of cause and consequence, just as the counterpollent forces of the planetary system do but regulate the impulse imparted by the hand of the Creator.

Gentlemen: There is such an agency, and there is a power that wields it. That power is God, and that agency is the inborn sense of right and wrong, the native love of good and aversion to all that is evil, which is among the strongest instincts of man, implanted in his heart by God himself. To deny these, is to deny the capacity of man for self-government, or to affirm that effects may exist without a cause, and action without motive and against motive.

In this instinct of human nature is the secret of man's capacity for freedom; and here is the starting point both for the theory and practice of free government. Is it then a light task for the political philosopher to adapt his institutions to the necessity of preserving and cultivating this principle of action, lest it may perish in the using? Is there no caution necessary to prevent those who acknowledge no power but that delegated by themselves, from forgetting that it was established as a restraint upon themselves; and thus imagining that it is never to be exercised but in strict subordination to the will, and pliant subserviency to the caprices it was meant to control? Is there no danger that the native sense of right may be obliterated from the minds of those who are called to minister in great affairs; that the exercise of power, engendering the lust of power, may corrupt those who wield it, and tempt them to corrupt the tribunal to which alone on earth they are responsible? It was the saying of a wise man and an able statesman, that the business of education is to train and prepare the boy for the tasks and duties of the man. How self-evident is this truth! And how important is that training which is to qualify the sovereign citizen of a free state for the tasks and duties of that responsible character: the training which shall teach him to know himself; to correct the in-

firmities of his own nature; to medicine the distempers of his own mind; to stop his ears against the voice of passion, yet leave them open to the counsels of wisdom; to tie up his hands from mischief, yet leave them so far unfettered, that they may do the great work to which he is appointed; to command those whom he obeys, and obey those whom he commands, and this because they command his obedience in virtue of his command to them!

These ideas are just, in their application to free government in every form, and under all circumstances. They make it the duty of every people, who would preserve their freedom, to keep a watch over themselves, and to guard their hearts with all diligence, since out of them are the issues of temporal freedom, as well as eternal life. In the execution of this task, they need the benefit of all the precautions that wisdom can contrive, in those seasons of dispassionate reflection, which nations, like individuals, do not always enjoy. The institutions established at such times, may be likened to the wise precautions of Ulysses against the allurements of the syren. Aware of his infirmity, and anticipating temptation, he gave the helm to those who were secured against it; and the last use he made of his authority, before he was bound to the mast, was to command his companions not to release him till the danger was past, whatever signs of impatience might escape him. Happy for him that their senses were not only closed to the voice of the treacherous charmer, but also to his persuasive eloquence. They could not fail to understand his signs, but they obeyed him in disregarding them. They saved him in spite of himself: but it was *his* wisdom *acting through them* that saved them all; and never did they show their respect for him more, than in subjecting his insane will to the authority of his own sober reason.

Of a like nature, gentlemen, are the restraints imposed by constitutional limitations on the authority of the people over those appointed by themselves to act for the time in their name. Whatever they may re-

quire of their official servants, in contravention of constitutional obligations, it is their duty to show respect to the sovereign will of the people, by disregarding such requirements, "honouring them more in the breach than by the observance." Such things are apt to provoke resentment; and he who has the firmness to do his duty, loses the favour of the people. But the hour of excitement passes by, and when the reign of reason is restored, he who had dared to serve them in spite of themselves, is rewarded with such honour as mean compliance never wins.

Such is the use of those political charters by which powers are delegated and defined, and the inherent and inextinguishable sovereignty of the people themselves is put under salutary disabilities and restraints, and in which the principles of freedom and the grand maxims of government are consecrated.

To put these things to their proper use, and to preserve them from contempt and destruction, they must be studied; they must be understood in their *letter*, and in their *spirit* and principles. Trust me, gentlemen, this is no easy lesson, nor one that is to be learned without long and various preparation. To master it thoroughly, he who would do so must bring to the task a mind deeply instructed in the nature of man, and in the history of government—a mind capable of detecting causes in their effects and anticipating effects from causes.

Of this nature is the study of all government, even the most simple. Unfortunately it is never so difficult as when the constitution we wish to understand is one contrived to preserve itself from innovation and destruction, at the hands of those whose freedom it is meant to guard. The machinery of despotism is simple, its action is direct, and its methods coarse. In proportion as government is free, so is its structure intricate and delicate, and liable to derangement from the unskilful hand of meddling ignorance. The history of man affords no example so well illustrating this truth, as our own.

Reason demonstrates, and experience has proved,

that, in every government, the power to be exercised by the ruler will bear a certain proportion to the extent, the wealth, and the resources of the community, over which he presides. With these it must increase, as society advances in the career of improvement and prosperity, always most rapid where freedom is most perfect and best secured. The power of the community is the power of the government. It reacts upon the people with an energy always proportioned to its direct action, and enhanced by the increasing means of influence, the increasing sources of corruption, and the more frequent opportunities of usurpation. The administrators of an empty treasury can rarely secure the public favour, but by strict integrity and fidelity to every duty. When prosperity pours into the coffers of the state the confluent streams, which take their rise in the overflowing gains of every art and every occupation, the means of winning the mercenary support of those who are ready to sell their country for gold are fearfully increased. The honours that tempt ambition to the service of the usurper are not in the gift of the ruler of a petty state. But when his country takes a place in the foremost rank of the nations of the earth, and they who represent her may contend for precedence with the ministers of imperial crowns, the badge of office is no longer a mere toy to tempt the childish vanity of little men, but they whose hands were formed to wield the destiny of empires, find objects to engage even *their* ambition, in subordinate stations, and yield themselves the willing and efficient instruments of daring and splendid usurpation.

Aware of these things, the founders of our institutions saw the necessity of effecting a distribution of the authority of government, so wide and various, as to afford a reasonable security against such an accumulation of power and influence in the hands of any one functionary as to endanger the independence of the rest, and the liberty of the whole community. It was with this view, that they ventured on the experiment of a government without example in all past history; dissociating all those powers which reach the

private relations, and affect the private rights, and individual acts and interests of private men, from those which, in their exercise, afford the means of engaging the co-operation of the interested or aspiring, by lures addressed to the avarice of the one or the ambition of the other. In labouring to carry this purpose into effect, they have established institutions, which have commanded for their founders the gratitude of America, and the admiration of the world. Yet so anomalous is their plan, that, to this day, the ablest expounders of the constitution are not agreed upon its fundamental principles, and so little does it resemble any other government, whether past or present, that all attempts to illustrate and explain it by analogies to them, are sure to lead to dangerous mistakes. It is not my purpose at this time, to take either side of any one of the numerous discussions which grow out of it. I do but advert to the fact, that such discussions have taken place, that new ones are continually arising, that every day adds to the inferest which attends them; every day brings nearer the time when they must be decided, for good or ill, by the people, who alone can decide them; and every day shows more and more the importance of deciding wisely and discreetly.

Gentlemen; if the founders of this singular system deserve that praise for wisdom which has been universally awarded to them; if, as we all believe, the constitution established by them is the palladium of our safety; if the loss of that would be followed by the loss of peace, prosperity, security and freedom, while, in preserving it, all these are safe; how earnest and devoted should be our efforts to secure this inestimable blessing to our posterity! With what preparation and what rites should they, who are to guard the temple of freedom, the depository of this precious talisman, be trained and consecrated to this hallowed duty!

But, gentlemen, among us there is no order of political priesthood, to minister in that temple in behalf of all the rest. We have no hereditary lawgivers, no Levite race, who are to stand between the people and the altar, and to receive and sanctify, and present their

offerings there. In this, as in that higher worship which we owe to God himself, each man must render for himself the only sacrifices that can be acceptable; to the one, the humble and contrite heart; to the other, the mind understandingly devoted to freedom guarded by law. Freedom, like the Lord of hosts, dwells not in temples made with hands. Ye are yourselves the temples, both of freedom, and of him who made you free. Beware lest you profane them! The spirit of God will as soon dwell with the impure of heart, as freedom will dwell with sloth, and luxury, and avarice, and that impatience of salutary restraint, in which the rights of all are sacrificed in the strife of all, each contending for license which freedom disallows. In politics as in religion, the truth alone can make you free, and there is no freedom, as there is no salvation for such as close their ears to the things that make for their peace.

Next after that truth on which the eternal welfare of man depends, what study can be so important to the youth of this republic, as that of our own institutions? What work of man so much deserves to engage your attention, as those charters in which your rights and your duties are alike defined? What philosophy so worthy of your profoundest thoughts as the philosophy of government? What science so vast, so comprehensive, so important? It involves the study of man, his nature, his rights, his duties, the good and evil that are in him, his reason, his passions, his infirmities, his vices, his physical, intellectual and moral capacities and wants. If the thoughts I have already offered, have seemed of any worth, they must have suggested to you the importance of much that we do not know, or know not as we ought. They should have made you sensible that the function of a SOVEREIGN CITIZEN is an affair not of *right* alone, but of *duty* also: and that he who presumes to act in that exalted character, far from being subject to no law but his own will, no reason but his own caprice, is exercising a high duty, to which he is called by God himself, whose unworthy instrument he is, in his great work—the MORAL GOVERNMENT OF MAN.

Are these suggestions of reason to be silenced, by the oft repeated cry that the people can do no wrong, and that their voice is the voice of God? Gentlemen —such is the language that *all* sovereigns hear from their flatterers. The maxim that the king can do no wrong, is a maxim of the English constitution with which we are all familiar, and which, in its most abused sense, is never more current in the mouths of courtiers, than when the throne is filled by a prince whose crimes dishonour it. The infallibility of the pope is an absurdity which all Europe believed, or pretended to believe, for nearly a thousand years, and he is no true catholic, whose faith is to be at all shaken, by the innumerable contradictory interpretations of the scriptures, each proceeding from the same infallible source, and each condemning all the rest. In like manner, (for its terms are universal,) our maxim is applied alike to the vicious and ignorant, as to virtuous and enlightened communities; and political revolutions, in which the idol of one day is the victim of the next, and that which yesterday was wise and just, is, by the same unerring tribunal, to-day denounced as foolish and wicked, must not be permitted to awaken a doubt of its truth.

What says reason to these things? What says the voice of truth from on high? When Herod, arrayed in royal apparel, sat upon his throne, and made an oration, the people gave a shout, saying, "It is the voice of a god, and not of a man; and *immediately* the angel of the Lord smote him, *because he gave not God the glory*, and he was eaten of worms and gave up the ghost." It is not responsibility to human laws, and human authority, that makes the test of what is right or wrong. The people *are* irresponsible in this sense, and none can sit in judgment upon them, and there can be no authority to punish their transgressions. *Their* power is indeed, and most emphatically, *from God.* What then? Is every exercise of it *therefore* righteous in his sight? "Knowest thou not," said Pilate, "that I have power to crucify thee?" Jesus answered, "Thou couldst have no power against me, except it were given

thee from above." Do these words justify the sentence which doomed their sinless author to the death of a malefactor?

Gentlemen—the power of the people *is* from God; and that his blessing attends its discreet and righteous exercise, is proved by the prosperity and happiness, and the advance of science and art and intellectual improvement which ever attend it. But think, I pray you, whether this fact does not betoken an ultimate purpose, the final accomplishment of which may belong to a remote generation, and to which our short time on earth should be devoted in subordination to his will? If this purpose is the perfection of man in all that civilization can achieve, and if political freedom is God's chosen means for accomplishing this, how heavy is the condemnation of those, who, being called to work together with him, to this great end, profane their high function, by using it to accomplish the petty purposes of a day, suggested by their own evil passions! What place should ambition have in the heart of him who is born to this illustrious destiny? Can worldly honour and distinction, and the breath of man, add any thing to the glory of him who acts well his part in such a work as this? Is it the leader's truncheon, is it the ruler's sceptre, that distinguishes the name of Washington, and secures him the foremost place among those whose memory shall never die? Is it not rather, that God was in all his thoughts; that in all things he devoted himself to the high purposes of the master of the world, and acted as one called to do *his maker's* will, and not *his own?* He *did* his maker's will, and *here* we see the results. He effected his maker's purpose, and in the fruits of his labours we find an intimation what that purpose is. With what humble thankfulness and earnest zeal should we devote ourselves to the farther advancement of that gracious design, which, by the agency of free government, and the instrumentality of beings so insignificant as ourselves, has made this wilderness to blossom as the rose, and will never cease, till the whole earth is full of the knowledge of

God, and of that freedom which they who serve him in spirit and in truth alone are destined to enjoy?

Gentlemen—if there be any truth in the ideas I have laid before you, I owe the knowledge of that truth to one of those illustrious men, whose names you have consecrated by adopting them as the designation of your institution. You have engraven the name of Randolph on the shrine here erected to literature, to science and to God. What offering so fit for that altar; what offering so proper for me to lay upon it, as this poor attempt to embody and preserve something of the teachings of that deep sagacity and profound wisdom which distinguished him, and which he laboured to impart to me.* Love to the brother—gratitude to the benefactor—even these sentiments should be subordinate to my veneration for the man, from whose eloquent lips I have learned more than from all my own experience and reflection, and from all the men with whom I have ever conversed, and from all the books I ever read. How so well can I manifest these sentiments, how so fitly express my gratitude for the honour done to his memory by you, as by availing myself of this occasion, to bring to your ears a faint echo of the words I have heard from him? Where so properly could I offer an exhortation to the study of political philosophy as a branch of academic education, as in a temple of science on which is inscribed the name

* It is hoped that this laudatory mention of one whose fame is a part of his country's history, will not be deemed an offence against the laws of taste and delicacy, although Mr. Randolph was the speaker's half-brother. He felt that an acknowledgment was due from him for the honour done to his distinguished relative, and that he was bound in candour to make known the source from whence he had himself derived the leading ideas in this address. He trusted too, that their truth would be more sensibly felt when announced on such authority. It is perhaps to be regretted that the circumstances did not make an opening for any expression of the speaker's high admiration and profound veneration for that most wise and able man, Mr. Macon. And yet perhaps the most striking part of the compliment paid to Mr. Randolph by the founders of the institution, is the association of his name with that of one whom Mr. R. himself pronounced to be the best and wisest man of his age and country.

of one, whose life was devoted to that study? I speak after him, when I say, that to understand the constitution and laws of our country, in their letter and in their spirit; to explore the philosophy of our institutions, and to qualify ourselves to act well our several parts, as sovereign citizens of Virginia, is the great temporal duty which we owe to God and to man. To God:—for in that we accomplish the earthly end of our being: to our fathers:—for it is the only fit expression of our gratitude for blessings transmitted to us: to our children:—because we should not impair the inheritance we have ourselves received. Thus, and thus only can we fulfil our duties as members of that great partnership, which not only unites together the present generation, but which connects the living with the dead, and with those who are yet to be born; and in which man is elevated to a sort of fellowship with the Creator himself.

I deeply feel how unequal I am to the task I have endeavoured to perform; and I feel it the more sensibly, because, in the very act, I am reminded of him, who, above all men, was best fitted for it. His was the mind to understand; his was the faculty to expound; his was the eloquence to excite. His was the marvellous gift, to

> Put so much of his soul into his words,
> That others followed, wheresoe'er he called:
> And, by the inspiration of his voice,
> Cowards, made bold, performed the tasks of valour,
> And sloth leaped up, and from his sluggish limbs
> Shook off the leaden fetters.

He lived for Virginia. She was his country. She was his world. And though a step-son's portion was his lot; though his best endeavours to serve her were sometimes repaid with neglect and reproach; yet never did his faith waver: never did his zeal falter: never did his love cool: never did the feverish impatience of his fiery spirit rebel against her. In his darkest hour, it was his pride to know, that he had never merited, however he incurred her displeasure, and to bear

meekly all the scoffs with which she sometimes requited his endeavours to serve her. To rival the marvellous endowments with which Heaven distinguished him is not perhaps for any one of us. But to emulate his example, in devoting ourselves to our country, according to the measure of our capacity, is what we all may do. To that effort I would incite the youth of Virginia; and, that they may make it profitably to her, and honourably to themselves, I would urge them to devote themselves, in early life, to those studies which alone can qualify them to act worthily their parts as SOVEREIGN CITIZENS OF THIS ANCIENT AND ILLUSTRIOUS COMMONWEALTH.

LECTURE II.

On Government.

GENTLEMEN:

The subject of government is that which is to occupy our attention through the course of lectures on which we are about to enter. To recommend it to your attention, to impress you with a sense of its importance, and to lay before you an outline of my plan, is the purpose of this discourse.

To perform the task proposed, we must investigate the philosophy of government. We must inquire into those particulars in the nature of man, which render society necessary to him, and those circumstances which render government necessary to the purposes of society. We must examine the relations which man bears to man in a state of nature, the modifications of these relations effected by society, and the duties arising from them which are to be enforced by government.

Pursuing this investigation, we may hope to arrive at just ideas of the proper ends and objects of government. May we not farther hope to obtain some lights

which may aid us in deciding what are the best means of attaining these ends? If such hopes be reasonable, then there is no subject connected merely with the temporal welfare of man that so much demands examination—none which promises so rich a reward to the patient and candid investigator. But he who would secure it, must come to his task with a mind duly prepared to receive the teachings of reason, and to follow her guidance whithersoever she may lead.

Why else is it that a subject which, during six thousand years, has occupied the thoughts and researches of men able and wise in their generations, has so long remained shrouded in thick darkness? If that be true, which all of us believe, and of which most of us entertain no doubt, then, during the whole of that time, this darkness has been never penetrated but by occasional gleams, calculated rather to dazzle and bewilder than to enlighten. And why is this, but that the investigation has been conducted almost exclusively by practical statesmen, engaged in the actual business of government, and pledged by their prejudices and by their interests to ancient errors and inveterate abuses? Would we but bethink us that the science of civil polity and jurisprudence is a branch of that great system of moral government by which the author of all things rules the universe, we should feel that it becomes us to approach the subject with awe. Whether we propose to ourselves to minister in this great system, or content ourselves with investigating its principles, we should come to our task as to the performance of a holy function. The bias of faction and of interest must be shaken off; the aspirings of ambition must be restrained; the pride of opinion must be renounced, and we must hold ourselves prepared alike to defy the "*vultus instantis tyranni*," and to disregard the "*civium ardor prava jubentium*."

Hence, gentlemen, the philosophy of government is a study most appropriate to the season of unprejudiced and uncorrupted youth, and to academic shades, never disturbed by the clamours of faction. The frown of power has no terrors here; the temptations of ambition

have no allurements for us. To us who teach, and to you who learn, there is nothing so desirable as the discovery of truth; and to the search of this we can here address ourselves with a single-minded zeal, of which we, in other circumstances, and you, perhaps, in after life, might be incapable.

On the investigation to which I now invite your attention, we must prepare ourselves to enter with tempered ardour, with regulated enthusiasm, with patient hope; looking for the reward of our labours to Him, who never denies the light of truth to them that diligently seek it.

Man is emphatically a social animal. Other creatures are solitary or gregarious, according to the impulse of instincts, which make them find pleasure in the presence of others of their kind, or cultivate a surly satisfaction in secluded loneliness. But man is social from necessity. The very laws of his nature impose society upon him, as one of the conditions of his existence. He is social in the same sense in which we say of some animals, that they are of the sea—of others, that they are of the earth or air. Society is the very element in which he must live; and the water is no more necessary to the fishes of the deep, than society is to man.

He enters into life in circumstances that impose this necessity upon him. Other animals bring with them into the world a covering to shelter them from the inclemencies of the season; the faculty of locomotion is acquired in a few hours; the power of obtaining, and the instinct which directs in the choice of food, are imparted long before the care of the mother is withdrawn; and, from the moment of their birth, the parent brute is in condition to cater for her offspring, and to defend or hide them from danger. But with man the case is widely different. Whole years, with all their vicissitudes of heat and cold, and parching drought, and drenching rain, must pass away, before he acquires strength to escape or to endure without perishing on exposure, even of a few hours, to either of these extremities. In the state of absolute helplessness in

which he enters into life, his mother is hardly less helpless than himself, and both must perish did not the institutions of social life connect them with others to whom their existence is never so precious, as when in this precarious condition. To these institutions the father owes the means of identifying his offspring, who thus become the objects of that instinct of parental love which, in the brute creation, the mother alone is seen to display.

Do I go too far then, when I assert that society is essential to the preservation of the human species, and that man cannot be supposed to have ever existed out of a social relation? Or must I compliment the lord of creation by throwing a veil over that state of puling helplessness, in which the inhabitants of an ant-hill might make him their prey?

How erroneously do they judge, who would, for this, undervalue the dignity of human nature. When God gave man "dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over the earth, and over every creeping thing that creepeth upon the earth," he gave him, as the charter of this gift, as the means of establishing and extending and perpetuating this dominion, the very helplessness which I have described. In this, man's weakness is his strength; for this it is which makes the strength of all the strength of each. This season of dependent weakness, prolonged until the senses have acquired their perfection —till the affections have begun to bud—till the dawn of thought has broken up the darkness of his mind,— makes him for a long time the constant recipient of benefits, which the infirmities and cravings of his nature teach him to prize and to receive with gratitude and love. It is by this fostering process that the heart is warmed to a sense of inextinguishable obligation, and puts forth those filaments which cling to the breast that feeds and cherishes him, with a tenacity that no time can relax, and no violence can sunder. The mother thus becomes a connecting link among those, who are alike the objects of her tender care; and the enduring ties which bind man to his kind are spun

from the fine and delicate fibres, which, in the prolonged interchange of good offices, are shot forth from heart to heart.

Originating thus in the weakness of man, the primary end and object of society is SECURITY. To war against the dangers that assail, to guard against the dangers that threaten—to destroy, or drive to a distance, every thing by which security might be invaded,—is the purpose for which men must first be supposed to have associated themselves together. Here is the inducement to accomplish that conquest over the brute creation to which man was ordained by his Maker.

In the prosecution of this, some races of animals have been annihilated—some are driven to hide themselves from the face of man in the depths of the forest, and in the caverns of the earth,—and others of more tame and practicable tempers have been subdued to the uses of the lord of creation.

Thus was security obtained; but though these enemies were subdued or destroyed, their place was taken by another, more formidable than all the rest. Man became the enemy of man. The social union, which had sprung from a sense of common danger, had ceased with its cause; but a new danger thus arose, which did but bind together those who yet remained united, more strongly than before.

It would thus appear, that, under whatever circumstances society has been formed, the prevailing inducement to it must have been a desire of security. We may be disposed to reject this idea as disparaging to the character of the bold and intrepid being that man, in the infancy and in the ruder states of society, has generally shown himself. But there are dangers at which the heart of the hero quails like that of the veriest coward. The danger that threatens the domestic fire-side, the prattling urchins, the nursing mother, and her tender babe, is one to which the brave are, perhaps, more sensitive than other men. To leave them alone and exposed, without protectors, without friends, while the hunter, in pursuit of the necessary means of subsistence, plunges into the wilderness, and

for weeks and months together pursues his prey, would never be endured. The very wildness of his life, apparently most foreign to the social state, would make society the more necessary to his peace of mind.

It happens accordingly, that not only do we never find man dissociated from his fellows, but in that rude state in which he is incapable of being moulded into extended and civilized society, he is bound to the members of his petty tribe with a fervour of enthusiasm to which those of larger communities are strangers. They are necessary to him; for, but for them, the wolf or the tiger might invade his hut, or his race might be swept from the face of the earth by the incursion of a hostile tribe.

At this day, and viewing ourselves as members of a society, whose widely extended territory makes it altogether improbable that the horrors of war will ever be brought home to our fire-sides, we may be disposed to undervalue the security which we enjoy. It is danger which makes men sensible of its importance, and, in the total absence of that, we almost scorn to think of it as one of the elements of our happiness. But, think of it as we may, it is that which gives their value to all the rest: for, without it, there can be nothing we can call our own. What prompts us to "add field to field and house to house," and to lay broad and deep the foundation of our prosperity? It is security. We know that reverses may come, and we require more than we need, lest some trifling loss should leave us less than we need. What makes man everywhere eager to strengthen that sacred tie on which the happiness of life depends, and to render it indissoluble? It is the desire of security. Why else are men willing thus to bind themselves irrevocably to a choice of which they may repent?

A little reflection will lead us to see that this same desire of security must have been mainly influential to induce men to submit themselves to the restraints of government. If it be true, and I trust I have shown that it must be so, that society of some sort is one of the very conditions of our existence, then society must

always have been found among men under all circumstances. But the ends which render society necessary might be accomplished by small associations. There is, therefore, no warrant for supposing large ones, antecedent to the institution of government. Among savages, we find none but petty tribes, composed of a few individuals, who may be supposed to have become united by the ties of blood and marriage, or by the offices of friendship. Indeed, there is something exclusive in such associations; and while we see the individual man irresistibly impelled to connect himself with his fellow man, we find that so soon as the society which necessity prescribes has been formed, a spirit of repulsion manifests itself toward all similar associations.

Looking, then, to the nature of man, and the circumstances in which he was placed in the world, we shall see mankind scattered over the face of the earth, not as insulated individuals, but in clustering groups, united by the necessities of nature, by the ties of kindred, and the reciprocal experience of benefits. We shall see each of these groups assuming a sort of collective personality, and soon learning to look with jealousy or envy on others. Of such connections or associations, not yet bound together by any tie that constitutes a government, permit me to speak by the name of BANDS OR SOCIETIES.

It must unavoidably and frequently happen, that between individual members of such bands, and individuals of some other band, collisions would arise. Whenever these should be of such a nature as to provoke mortal hostility, it would be generally found that the members of each would make common cause with their associate, whether to vindicate his quarrel, to redress his wrongs, or to defend his life. Hence, fierce and bloody contests would arise. Each of these would leave behind it the germ of other strifes, and, unless some remedy were found, extermination to one or both would often be the consequence.

It could hardly fail to happen, that in some such case a parley might lead to an agreement of the parties

to submit the controversy to the arbitrament of their respective friends, with an understanding that the associates of him who should be found to have done the wrong should punish, or force him to repair it. The satisfaction to all parties, which would generally result from the adoption of such a plan, would soon lead them to resort to it habitually, not only for the adjustment of controversies with the members of another band, but for the settlement of domestic difficulties.

Here, then, would be the infancy of government, developed from those embryo associations which the infirmity of man's nature makes necessary to his existence. You will see that governments, originating from such causes, must, from the nature of the thing, be uniformly characterized by certain features, which we find, in point of fact, to be common to all governments, and the uniform existence of which cannot be accounted for so well on any other theory. The very ends and objects of such governments would require three things.

1. That each individual should be responsible to his own society, alone, for any wrongs done to the members of that, or any other society.

2. That each society should be responsible collectively to other societies for wrongs done by its members to other societies, or their members.

3. Hence, thirdly, would arise the duty of obedience from each individual to that society, thus made answerable for him, and securing him from all responsibility but to itself.

This is the protection to which allegiance is the reciprocal and correlative duty; and in this reciprocity, we find the origin of the inseparable connexion between allegiance and protection. The two are mutually cause and consequence of each other. Let the responsibility of the community for the individual be once established, and his duty of obedience to the community will follow as a necessary consequence.

On the other hand, let it be admitted that he is bound to obey, and they who command must, of course, be responsible for the results of his obedience.

From the combined action of both principles, it will follow, that the individual being responsible to the community, and the community responsible for the individual, he cannot be responsible to any other authority.

You will see plainly in this sketch the outline of the few features which are common to all governments. You will see in it the source of that peculiar authority called *sovereignty*, the reason of its exercise, and the tests of its existence.

On this subject of sovereignty so much has been said, and so little is understood, that I am particularly pleased with the theory I have suggested; because it will render us familiar with a notion of government well calculated to preserve us from a confusion of ideas concerning sovereignty, so common and so perplexing.

I am aware that another theory has found favour with most writers. I speak of the patriarchal, as it is called. If by this it be meant that in the earliest ages there was always recognised a sort of authority in the parent over his children, and a mysterious tie connecting these together, it affirms no more than is true of all men in all times and countries. To say that this existed before the existence of any other society, is but to affirm what the very idea of our common origin necessarily implies. In this sense the proposition embraces, in the beginning, the whole human race then in existence, and does but import that they continued united together until they fell out among themselves. That they did so fall out is certain—and in all after times we find mankind united together in associations in which, doubtless, the tie of blood was an element, but plainly only one of many elements of union, embracing individuals of various families and races.

If we look for the testimony of history, we find, indeed, in scripture, instances of what we call familiarly patriarchal associations. But we have clear evidences of society, of some sort, antecedent to these. Moreover, the oldest and most authentic of them all is, certainly, not a case of a father exercising authority over his children or his kindred. It is the case of Abraham. We find him, on one occasion, at the head of three

hundred and eighteen trained troops. Were these his own? We are expressly told so. Were they his descendants, the progeny of numerous wives? He was at that time childless; nor did he, until afterwards, become the father even of the misbegotten Ishmael. Were they his kindred? By no means; for, in the beginning of his career, God had said to him, "Get thee out of thy country, and from thy kindred, and from thy father's house, unto a land that I will show thee." He did so, taking only his wife, "and Lot his brother's son." We then have the history of his separation from Lot; and between that event and the birth of Ishmael, comes the history of his successful expedition, at the head of his own people, to rescue Lot from the king of Elam.

Now, what do we see in this corresponding with the idea of a patriarchal government, in the strict sense of the government of a father over his children? Nothing at all—but much to show that society and something like government already existed on some other basis, and nothing that does not well coincide with the theory that I have suggested.

I have said that I am desirous to recommend this theory to you, because it perfectly coincides with the results which we find throughout the world. If this theory be true, it explains how it is that all governments are established on the three great principles I have laid down. But whether these principles thus originated or no, of thus much we may be sure, that, however governments differ from each other, they all have these things in common. 1. That each individual is responsible to his own community for his acts. 2. That the community is responsible to all the world for the acts of its members; and 3. As a consequence of these, that the individual member is responsible to none but his own community.

I have already remarked, that the device intended to guard against collisions with other tribes, and to ensure the reparation of wrongs done by the members of one to the members of another, would soon be applied to the no less important object of preserving

domestic peace, and enforcing justice between the members of the same tribe. Such application completes the idea of government, and supplies all that is wanting to perfect the sketch of those few particulars, in which all governments are found to resemble each other.

If we may know the tree by its fruits, we may judge from the universality of these principles of government, and of these alone, that the evils they are intended to remedy are those which have led to the establishment of governments. To this day they are the primary objects of all political institutions. To the accomplishment of these objects the frame of every government is shaped; and by the common consent of all enlightened nations, we do not impute the character of a body politic to any society in which these things do not receive a strict, faithful and scrupulous attention. Thus we see that those associations which make light of the responsibility of the collective whole for the acts of the members, and are occasionally found countenancing the wrongs done by individuals to the members of other states, are not recognised as properly belonging to the commonwealth of nations. By some states they may indeed be employed and countenanced as instruments of annoyance to an enemy, and by all they may be tolerated and endured for reasons of state. This, to the reproach of Europe, has been long true of the Barbary Powers. But we have lately seen, that when the forbearance of France was exhausted, or when her views were directed to a different policy, the power of Algiers was crushed, and her political existence blotted out, without a word of remonstrance from any other state. Even the characteristic jealousy of the aggrandizement of France, which England has always cherished, could not make her so insensible to her own honour as to prompt a single measure in order to prevent the annexation of that principality to the French dominions. Could a decent pretext for interference have been found, oceans of blood would have been shed, before France would have been permitted to secure to herself so important a port on the Mediter-

ranean. The consequence attached to Gibraltar, Minorca and Malta, in most European wars, makes this unquestionable.

It is only then in those associations which hold themselves responsible for the conduct of their members, that the law of nations fully recognises a national character, a complete political personality. The correlative of this, as I have shown, is the duty of obedience on the part of each member to the community; and his exemption from all other responsibility, from which it is at once the right and the duty of the state to protect him. Deny this right, and you take away the consideration of his obedience. Remove this obligation, and you free the state from all responsibility for the acts of one whom you do not permit her to command and control. The converse of this reasoning is equally just, and will prove, that by disallowing any one of the three grand principles of political association of which I have spoken, you abolish all the rest; you dissolve the cement of political society; you loosen its foundations; you break down the whole into one shapeless ruin, and remit its members to a state of rude nature.

Here, then, you find the true idea of sovereignty. This it is that places on the elevated platform of perfect equality, every political society, however constituted, and of whatever magnitude. The republic treats on equal terms with the monarchy; the petty canton with the wide spread empire; for each brings to the negotiation the same unquestioned right to command the obedience of its people, and each frankly pledges the same unreserved responsibility for their acts.

It would seem from what has been said that, in order to fulfil the purposes for which societies have been erected into governments, the attention of those who frame, and of those who administer them, should be primarily directed to two great objects. Of these the first is to preserve peace by such regulations as may prevent, or redress, or punish the wrongs of our own people to other nations, and to place ourselves in a condition to exact the like respect for our rights. The second is to order matters at home with a due regard

to the equal rights of all, securing to each citizen the tranquil enjoyment of life, liberty and property, providing remedies for all injuries, prescribing punishments for all crimes, and enforcing all these regulations by a well arranged system of jurisprudence. A government which accomplishes these ends, and affords a reasonable security for their accomplishment in future, is a good government. We may have occasion hereafter to consider the wisdom of comprehending other objects within the scope of its operations, and we may come to conclude that its energies may be wisely employed in their accomplishment. But for the present we may confidently assume, that such a government as I have supposed is good, no matter how adopted, nor by whom prescribed; and that one which does not secure these important points is bad, though in the formation of it the most ingenious theories that were ever devised for the perfection of government, should have been faithfully studied and adopted.

I beg you not to understand me as insinuating that there is no choice among the various theories of government. Far from it. The very object of our present researches is to ascertain which is best among the different theories to which the ingenuity of man, in all ages, has given birth. I would only persuade you to look, not to the beauty and symmetry of any proposed system, nor to its origin, but to its adaptation to the proper and necessary ends of government. We should ask ourselves, "is it like to effectuate these?" If so, it is worth a trial. But experience alone can decide whether it will effectuate them; and if, being tried, it fails to do so, then, whether imposed by force, or adopted by free choice; whether the creature of circumstances, or the work of Solon, and Lycurgus, and Numa; whether prescribed by the authority of one, or adopted by the unanimous voice of millions, it is bad, and worthy of condemnation. In the language of a great master of political philosophy, "a government of five hundred obscure country curates and pettifogging attornies, is not good for twenty-four millions of people, even though it were chosen by forty-eight millions."

The world has seen many instances of governments devised on theoretical principles, mainly with a view to the security of equal rights. How these have succeeded, history and the present abject condition of those countries which were the subjects of those experiments, show but too plainly. With the circumstances which attended the rise and progress and downfall of Rome, which led her from freedom to despotism—which raised her to the utmost height of power, and plunged her into the lowest abyss of degradation, we are all familiar. We read too of Greece, the cradle of liberty, and the birthplace of art, science and literature—and we see her, for near two thousand years, doomed to wear the chains of domestic usurpation or foreign tyranny.

Is it then true, that that which is good in theory is bad in practice? Far from it. The truths taught by these examples, although humbling to the pride, and discouraging to the hopes of man, are not yet so disheartening as such a conclusion would be. But they teach us to act and to judge with caution. They teach us to distinguish between means and ends. They teach us that present enjoyment is not permanent security; and above all, they teach us that "the price of liberty is *eternal vigilance.*" They show us the danger of beautiful and plausible theories, which, in proportion as they *are* beautiful and plausible, are calculated to lull vigilance into fatal slumber, and lead us to suspect, that a certain degree of deformity, and slight aberrations from theoretical perfection, may produce in themselves no mischiefs which are not more than counterbalanced by the salutary diffidence of the system, and jealousy of its administrators, which they are calculated to provoke.

But, however we may cheer ourselves to our task, by indulging a hope that mankind, made wise by repeated error, may at last detect the great *arcanum* on which the adaptation of government to its proper objects depends, the fulfilment of that hope is hardly to be expected in our day. The history of the world shows us all nations, that have ever tasted of liberty,

passing through the same appointed *cycle*, and, at longer or shorter periods, returning to the same points. During the first few years that follow the establishment of freedom, the experience of its advantages and blessings commend it to the hearts of men, and make it an object of almost idolatrous devotion. But the prosperity which accompanies it is too apt to debauch the mind. The sure rewards of industry, activity and enterprise, make the pursuit of gain the prevailing habit, and the love of gain the master passion of the people. It is through this passion that the demagogue successfully assails them; he corrupts them with the spoils of the treasury; he tempts them with the plunder of the rich; he engages them in the service of his profligate ambition; he gilds the fetters he prepares for them; and teaches them to wear them as the badges of party, and the trappings of distinction, until, familiar with their weight, they permit them to be rivetted on their limbs.

The season, during which this process is going on, is the season of tumultuary elections, the reign of mobs and anarchy and lawless violence. It is the season when leaders, drunk with ambition, and a rabble, drunk with flattery and alcohol, unite to plunder and oppress the middle classes, and shout the praises of parties and demagogues.

This cannot last. The spoils which purchase the vote, and the shout, and the bludgeon of the labourer, debauch him into habits of wastefulness and sloth. The artizan becomes weary of his trade—the operative impatient of his toil: the sources of wealth and prosperity are dried up, and the plundered hoards of avarice, and the rifled stores of provident benevolence, are soon exhausted. The means of supplying the wants of the countless multitude begin to fail, and their clamors assume a tone which warns their leader of approaching danger. The evil supplies its remedy. The mercenary voter affords the proper material for the mercenary soldier; and the habits of wastefulness and debauchery, which disqualify him for every other occupation, do but fit him for that. Improvidence and

sloth have made him feel the want of bread, and the paltry stipend of the soldier becomes an irresistible bribe. Happy they who are forward to secure it, and who, armed and organized, are equal to the task of curbing and chastising the petulant tempers of the multitude, their late associates! Then commences the long reign of military despotism—the empire of the sword. The duration of this is indefinite, and not liable to be determined by any change in the condition of society, produced by its own operation. Its tendencies are all to degrade and abase, and degradation and abasement can be carried no farther. In this "lowest depth there is no lower deep." The only hope of change is from the "*ignea vis*" of the human mind, springing up with elastic recoil proportioned to the depth of its fall, and "in its proper motion reascending up to its native seats." But the operation of such a state of things is to quench this fire, and repress its upward tendencies. Hence it is, that history nowhere shows us a direct transition from military despotism to free government. But there is no state of things so subject to partial changes, affecting the individual interests of the oppressor and his instruments, but rather aggravating than redressing the wrongs of the oppressed. The Janissaries will sometimes rebel against the Sultan; the Prætorian bands, impatient for new largesses, may raise up a candidate for empire, whose success may amply reward their services. Such things no otherwise affect the great body of the people, than as they are fatal to the property and lives of all who may become involved in them.

But to the ruler himself they are of the last importance; and when Tiberius and Nero, and Caligula and Otho, and Vitellius and Domitian, have received the punishment of their crimes at the hands of their own minions, some wiser prince, some Trajan Adrian, or Antonine, perceives the necessity of creating a new order of men to stand between him and the sword of the mercenary. The materials for this will be sought among the valiant, the good, and wise, on whom ample and permanent benefits will be bestowed—the enjoy-

ment of which, depending on the life and power of the donor, will make them faithful in his defence. The establishment of such an aristocracy is seen to be necessary by him, who, not dizzy and drunk with the giddy height of his elevation, looks down from the lofty column of autocratic power, on the bleak expanse spread out below in one dead level of abject degradation. He sees nothing to break the force of the storms which every wind of Heaven directs against his throne. He feels it continually shaking on its narrow base; and he feels the want of something to screen him from the blast, and of buttresses to prop and support him against its fury. If he is wise to choose his materials; if he selects the members of this aristocracy from among those whose public services, whose valor, whose virtue, whose wisdom, or whose descent from men so distinguished, has already gained them favour with the soldiery and the people, he will want nothing but time to establish himself and his posterity firmly on the throne. But to such a work time is indispensable. The life of one man is too short to perfect it; and its accomplishment depends upon a succession of princes aiming to effect the same purpose by the same means.

When, in the providence of God, such a succession is vouchsafed to any people, it results in the establishment of a limited monarchy, based upon a virtuous aristocracy, endeared to the multitude below by the benefits which flow down from it, and shed their balm on hearts bruised by past oppressions; and heal the wounds the sword of the mercenary had inflicted, and refresh the waste places which his rapacity had made desolate.

But the gratitude of the nobles for the favour of the prince, and that of the people for the patronage of the nobility, is not of long duration. A generation or two gives the character of established right to that which at first was gratuitous bounty: the great baron, when called on to show the title deeds of his estate, displays his sword, and in return receives the same answer from his subordinate vassal. Hence, jealousies arise; hence, ill will takes the place of grateful attachment; and the

same causes which sunder the baron from the prince above him, and the vassal below, tend to unite both in common cause against him. This tendency indeed is counteracted by the pride of place and birth, and generations may pass away before a prince is found who can bring himself to subdue this feeling to his interest; to "enfeoff himself to popularity," and, by his favour to the people, to purchase their co-operation against the power of the nobility. But let a monarch appear, who proclaims himself the people's king—who foments their discontents against their immediate superiors, and encourages resistance to their authority, seeking to detach the vassal from his former holdings, and by favour and flattery to bind him immediately to the throne. The natural consequence of this coalition will soon be seen in the degradation of all that intervenes between the crown and the lowest populace. The privileges of rank and rank itself will be abolished; the rights of property will be threatened and invaded; and, finally, the lofty pillar of royal authority will alone remain of all the fabric of government. But how long will it remain? If the props and buttresses of aristocracy were necessary to support it, while predominating over a wide waste slumbering in the calm of despotism, how shall it stand without them, when all the elements of society are tossing in wild confusion around it? It cannot stand. The next moment sees it fall with fearful crash, and its fragments, together with the wrecks of aristocratic power, are scattered abroad to fertilize the earth, and enrich its cultivators.

Then again comes liberty—to a people not prepared to enjoy and cherish it, a single moment of wild and frightful anarchy—well exchanged for the despotism which presently follows. Here we find ourselves at the close of the cycle, returning after a long series of ages of revolution and convulsion, of oppression and blood and rapine, to the point from which we first set out.

In the various phases of political society, as seen in its progress through these mutations, we perhaps catch glimpses of all the forms in which government is capable of being moulded. Unfortunately, of those which

we would wish to perpetuate, we have little more than glimpses, while those aspects on which it is impossible to look without horror, we have full leisure to contemplate and study. For, in considering the causes which lead to these various changes, it is lamentable to observe, that that which is good is ever pregnant with a principle of self-destruction, while all the tendencies of evil are of a nature to perpetuate it, and can only be corrected by counteracting causes.

There is certainly little in this thought to encourage us in our researches. Yet our only hope of success depends on our bearing this thought continually in mind. Could we certainly know what form of government was best for the happiness of man in its *present* operation, we should have accomplished but half our task, unless we can devise some means to counteract that tendency to change, which makes the history of all that is excellent in human institutions, but the history of things that *have* been. Does it not seem that theoretical perfection involves so much of the principle of change and self-destruction, as to lead us to doubt whether it may not be necessary to surrender something of what, in itself, is good for the sake of preserving and securing the rest?

I have little doubt that this is true, and that our best hope of discovering that scheme of things which will most conduce to the permanent welfare of society, depends upon the relinquishment of some present advantages, as the price of stability and security for those that we retain.

If, then, in looking through the history of man in all ages, we can fix upon some one form of government, which for the time being has been most favourable to happiness, and to the development of those moral and intellectual qualities, of which happiness is the natural fruit and deserved reward; if we find the recurrence of that form uniformly attended by the recurrence of the like desirable consequences; and if we can then devise certain changes and modifications, which, without detracting materially from such results, shall be calculated to prevent any farther change, we shall have

accomplished all that the political philosopher can propose to himself.

I believe that the framers of the constitution of Virginia (and here, alas! I speak of that which has been, not of that which is) made as near an approach to the discovery and practical application of this arcanum, as any statesmen that ever lived. The devisers of the federal constitution had before them a more difficult task; but they went to it with the same general views and purposes, and executed it in a manner that well deserves the admiration of mankind.

In considering then, what government should be, abstractedly from its tendency to change, and devising the cheapest and most efficient means of restraining that tendency, we shall find ourselves following in great measure the footsteps of the authors of our institutions. In marking those changes which have taken place, we must mark their fitness to the great end originally proposed, and especially their tendency to promote or counteract the farther progress of innovation. We may thus discover what progress we have made in performing that political cycle, which it may be our destiny, as it has been that of every other people, to accomplish. We may discover whether there is any hope that we may escape its fulfilment, and even though we may conclude that we cannot retrace our steps and turn back the appointed course of events, it may be of service to ascertain the means of checking the car of destiny in its fatal career, and postponing the evil day when the history of the liberty and happiness of Virginia shall but furnish school-boy's themes in distant lands. The sun of freedom seems fated to pursue its westward course around the globe, carrying with it the blessings of art and science, and virtue and religion, to lands never yet warmed by its rays; and finally, perhaps, to shed its full glory on the same classic scenes which first glowed under its kindling beams. In that day, when the statesman of the future Greece or Rome shall look back through thousands of years to the history of what his country once had been, his eye may rest midway on the page that records the virtues and

triumphs of Washington, the mild wisdom of Franklin, the eloquence of Henry, and the political sagacity of Jefferson. These he will collate with Solon, and Lycurgus, and Thales, and Miltiades, and Cimon, and Aristides, and Demosthenes; with Numa, and Camillus, and Cincinnatus, and Cicero, and Cato; and while, in their enduring fame, he finds assurance of the high rewards that await his own labours in the cause of freedom and virtue, his heart will bleed at the thought that his labours themselves, like theirs, shall fade away, and leave his countrymen nothing but the sad remembrance of blessings wasted by abuse, lost by supineness, and forfeited by crime.

Do you, my young friends, propose to add your names to that bright constellation, which, revolving around the steady pole of virtue and truth, shall never dip below the horizon, but while the world shall stand, and long after the sun of our glory shall be set forever, will continue to shed its melancholy light on your benighted country? Do you propose to add yourselves to the number of those to whose tombs, in future ages, the Muse shall point, reproaching your descendants with their degeneracy? Or, turning aside from the pursuit of truth and the cultivation of virtue, will you familiarize your lips with the cant of the demagogue or courtier, and qualify yourselves to minister to the licentiousness of the people, or the pride, vanity and ambition of their rulers?

If the latter is your choice, I advise you to avoid this place. You will hear nothing here which shall prepare you to play the part of parasite or demagogue, the flatterer of prince or people. I dare not indulge the hope that your nobler aspirations will derive any essential aid from my suggestions, but I can, at least, promise you that my best endeavours shall be faithfully exerted to search out the truth and lay it plainly before you. Nor shall I profess a treacherous indifference to the choice which you shall make, between what is popular and what is true. However agreeable it may be to cherish our own prejudices; however politic it may seem to cultivate and flatter the prejudices of

others, I shall never cease to endeavour to convince you that such are not the means of true happiness or true honour. The "echo of folly and shadow of renown," which is the short-lived reward of the demagogue, who goes to his grave dreaming of fame, and straightway is forgotten, I trust will have no charms for you. Do what you will, *so long as you retain a love of truth and honour*, you will be easily outstript in the race of vulgar popularity, by men every way your inferiors, who have but divested themselves of any inconvenient regard for these troublesome and cumbrous principles. While you are working out the complex problem of expediency and right, men who think only of the expedient, will already have chosen their part, and accomplished their purposes, leaving you no other honour but that of being esteemed half a fool, because not wholly a knave.

But, gentlemen, in the faithful pursuit of political truth; in the diligent study of political philosophy, a high and sure reward awaits you. For speculate as we may, we have an interest in what the world shall think of us when we are no more, though of that, he who lived a thousand years ago, and he who died but yesterday, alike know nothing. But such is the nature of man.

"For, from his birth the sovereign maker said,
That not in humble, nor in brief delight,
Nor in the fading echoes of renown,
Power's purple robes, nor pleasure's flowery lap,
The soul shall find enjoyment.
For why was man so eminently raised
Above the fair creation? why ordained
Thro' life and death to dart his piercing eye,
With thoughts beyond the limit of his frame?
But that the Omnipotent might send him forth,
In sight of mortal and immortal powers,
As on a boundless theatre to run
The high career of justice; to exalt
His generous aim to all diviner deeds;
To chase each partial purpose from his breast;
And thro' the mists of passion, and of sense,
And thro' the tossing tide of chance and pain,
To hold his course unfaltering, while the voice
Of Truth and Virtue up the steep ascent
Of nature, calls him to his high reward,
The approving smile of Heaven."

LECTURE III.

The Primary Form of Incipient Government.

It may seem that, in my introductory lecture, I laid unnecessary stress on a subject, at this day so merely speculative, as the origin of societies and governments. The ideas therein advanced are, nevertheless, susceptible of a practical and important application.

It is certainly important to ascertain the proper and primary ends of government. To effect this, what means more obvious, than to enquire into those wants and weaknesses of human nature, which render such an institution necessary to man? If we can discover these, we shall see what were the objects he proposed to himself, in its first establishment. In proportion to the importance of these objects, it was the office of government, in the first instance, to devote itself to their attainment. Such of them as are connected with natural and immutable causes, we shall see, can never lose their importance; and they should continue to be, as, at first, they undoubtedly were, the primary objects of all governments.

The question, then, what were the objects of government, in its first institution, is little else, than another form of stating that most important question, "what should be the *primary* objects of governments at this day?" The answers to both may not indeed be identical, because the progress of society may have given rise to artificial wants, not less important than those which are natural. To these, too, attention must be paid. But the question will not be, whether such artificial wants shall be provided for, but whether the others which are natural and inherent shall be postponed to them. It will be time to consider this hereafter.

Society we have seen originating in necessity, and that, not as an affair of convention freely entered into, but as one of the very conditions of the existence of the human race. The necessity of preserving it is rather to be considered as an original than a secondary

want; and the means of preserving it would be of no less importance to the preservation of the species, than the means of procuring food. Let its permanency be threatened, and men should address themselves to the task of securing it, in the same self-denying spirit which sustains the hunter in the toils of the chase, and the husbandman between the handles of his plough.

What then are the dangers to which the duration of society is exposed? I answer,

1. Dissension within.

2. Violence from without.

The sources of *dissension* are wrong. To prevent this, the motives must be taken away, or countervailing motives provided. The first is effected by restitution which deprives the wrong-doer of the advantages of the wrong: the second by punishment which deters.

But to enforce retribution or inflict punishment, authority is necessary; and the execution of this authority will itself bear the semblance of wrong, unless sanctioned by some general commission to act on proper occasions. Such authority is government, and such commission is the constitution establishing it.

The causes of *external violence* are infinitely various. Between primitive communities, it would most commonly manifest itself in attempts on the part of one community to avenge the wrongs of a member thereof, received at the hands of a member of another community. If this were well founded, it might be borne. If not, it must be resisted. Whether well or ill-founded, is a question to be decided by somebody. The injured party is an unsafe judge. The object of enquiry is indeed to satisfy the compatriots of the accused that they ought not to protect him. To them, therefore, the judgment must be ultimately committed, and to them it is consequently as well to entrust it at once. But an authority to decide must be created by general consent, and in the exercise of this authority is one of the functions of government. Whether the convicted offender is punished at home, or given up to be punished by the other party, it is alike by the authority of his own community that he is condemned and punished.

Should the offended community be dissatisfied with a decision in favour of the offender, redress must be sought by force, and to direct or to repel this force with effect, requires combined and concentred action. To effect this, a common authority, acting by commission from the whole community, is necessary, and in the exercise of this authority we see another function of government. Let these different authorities be duly established, and wisely and justly administered, and all the ends of government to a primitive community will be completely secured. There is nothing more that government can do for such a people.

The exercise of such authority is not only reconcileable to all just ideas of freedom, but is indispensable to its enjoyment. So long as such a government derives its authority from consent, and its force from opinion, so long they who live under it are free, no matter by whom it may be administered.

This remark, the justice of which cannot be questioned, may help us to account for a fact of which all history testifies. Had government in its infancy been the same that we see it in advanced stages of society, its structure as cumbrous, its objects as various, its powers as formidable, and its discipline as searching, it could never be expected that the free spirit of any people, for the first time consenting to any restraint, could be brought to bow to the will of one man. Yet in tracing back to their origin all the governments with the early history of which we are acquainted, we find them all cast in the monarchical form. To careful reflection on the fact as it was, nothing can appear more natural. We can hardly conceive how any society of men, as yet strangers to the restraints of government, could have been kept together, without the presence of some one man to whom most others would look up as a model of integrity and an oracle of wisdom. Such a one would have been already distinguished by occasional appeals to him as an arbitrator and adviser. His word, by frequent exercise of these offices, would already have acquired something like the force of law, while as yet there was no law, and his authority would

more frequently take its rise in habitual recognition, than in any distinct act of authorization. Hence the possessors of this authority were so often old men. Time alone can give rise to habitual deference, and then time ratifies it, because men grow up in reverence for others whom they find recognised as objects of respect by those, to whom the ties of blood, and the habitudes of the domestic relation, secure *their* respect.

I am aware that this account of the primitive character of government, is at variance with all the theories of the social compact which have been put forth. But if these theories are at variance with all we know of the early history of the human race, shall we reject the testimony of history, or shall we permit ourselves to doubt the justice of these theories, and endeavour to take such a view of human nature as shall reconcile philosophy to history. If I find what I seek, I shall rest content. If not, must I submit to the conviction, that all that has come down to us from remote antiquity is alike fabulous. Must I not only doubt whether such men as Agamemnon and Nestor, and Ulysses ever existed, but must I question too the existence of the little kingdoms of Argos, Pylos and Ithaca, and even hesitate to admit there ever was such a state of society as Homer has depicted. To do this, I must forget that, in this view, poetry is the truest history. The poet may be false to fact, but he must be true to nature. He may fabricate particulars, but he must not falsify what every body knows to be true.

In the face of these considerations, I am slow to believe that governments were first formed by a recognition of a right either natural or conventional, in a majority, *however small,* of any society, *then for the first time submitting itself to government,* to bind the rest.

I am ready to admit, that should a number of men, at this day, and in our advanced state of society, freely and voluntarily undertake to establish a new government; men perfectly equal in their conventional as well as their natural rights, uninfluenced by any sinister bias, and honestly seeking to secure and promote the common good, there can be little doubt that they would

choose the democratic form. To do otherwise, would be not only to reject the teachings of experience, but to act without motive and against motive. Such a case would completely falsify that most important truth, for which I shall earnestly contend, and on which hangs all the philosophy of government, "that government is the creature of circumstances."

Should any old established society resolve to break up its original incorporation and organization, and re-establish itself on a new foundation, and in a new form, that form would probably be democratic. Whether it would be so or not, would mainly depend on recent experience. Should the supposed revolution be brought about by impatience of the evils, real or imaginary, of democracy, a different form might be preferred; but if provoked by the insolence and oppression of a monarchy or aristocracy, a resort to the democratic form would be the most probable remedy.

Let us even suppose, that, before any thing like government was known on earth, men could have continued together united by none but the soft ties of reciprocal good-will, until their numbers amounted to tens and hundreds of thousands, widely scattered, embracing all the varieties of character, occupation and interest inseparable from that state of things. In such a case there is little reason to believe that they could agree among themselves to confer supreme authority upon one man. None could be found, whose merit, however great, would be known to more than a very small number. The dead calm, which such a state of things presupposes, would afford no opportunities of distinction, and perhaps the head of every family would be supposed, by the members of that family, to be a wiser and a better man than any other. The result of this would be a perfect equality among the whole, or at least among the heads of families, constituting a sort of paternal aristocracy, little differing from a pure democracy.

One or the other of these cases seems always in the contemplation of the theorist, who speculates about the social compact and the origin of government. But of

these three cases, the two first presuppose the existence of government, and the third is plainly impossible.

The real point of enquiry applies to a number of individuals as yet wholly unacquainted with government, in any form, and who have just lived long enough together to find out, that, to secure the regular and harmonious performance of social duty, it is necessary that authority, in some form, should come in aid of mutual good will and the natural sense of right and wrong.

The very nature of the case implies that the number must be very small, and that among those who should agree thus to come together, under the restraint of any common authority, the most perfect harmony and singleness of views must prevail. What could be more natural, under such circumstances, than that men should at once agree to entrust the slight authority to which alone they would consent to submit, to the hands of some one man, long known among them as the friend and guide and counsellor of others, and the habitual arbiter of their little differences. We have seen that the first germ of government would spring from such arbitrations, and perhaps the want of a public authority would be first felt in the necessity of enforcing such awards? What is, in fact, more perfectly consistent with the spirit of freedom in its wildest mood, than a disposition to follow out the suggestions of some one man, whom even the caprice of the moment chooses as a leader?

It is the remark of one of the wisest of political philosophers, that we are so much habituated to acquiesce in the decisions of majorities, that we have come to recognise their authority as a sort of law of nature, to which we suppose men to have submitted from the first. But there is nothing in the discipline of society to which they are brought to yield in the first instance with more difficulty. At this time of day, and in this country, we do so, as a matter of course; for the right of a majority to bind, is the fundamental principle of all our institutions. But sacred as this principle is with us, how reluctantly do we often acquiesce in its

results! And how can we bring ourselves to believe, that men, without the help of long training, can be brought to submit cheerfully to the will of a bare majority, at a moment when their minds have been exasperated by controversy, and soured by defeat, and when, perhaps, the great preponderance of wisdom, ability, prowess and merit of every kind might be on the side of the less numerous party? Trust me, gentlemen, the constructive presence of the will of the whole, in a bare majority, is one of the most violent fictions of law, and one of the last that men can be brought to acknowledge as practically true.*

On the other hand, the commission of the public authority of a petty community, such as I have supposed, to the hands of one man, is one of the most natural results of the workings of the popular principle. Under such circumstances there would be nothing to alarm the friends of freedom, if, indeed, an idea of any thing but freedom had as yet entered the mind of any man. In large communities, the power of a chief, once popular, often rests on a mistaken opinion of the continuance of his popularity. Thus the power of Robespierre was never more formidable, and never seemed more secure, than just before his fall. While each thought him the choice of all the rest, each concealed his hatred under clamorous displays of devotion; but the moment that delusion was dispelled—the moment each man found out that he was as odious to others as to himself, all were eager to imbrue their hands in his blood, and he was hunted to destruction, with a ferocity hardly less savage than his own. In a little community of fifty or a hundred individuals, no such fatal misapprehension of public sentiment would be possible; and the idea, that the power conferred to-day might not, at pleasure, be revoked to-morrow, would not present itself to the mind of any one.

I will even venture to express a doubt, whether the right of a majority to dictate, even in the choice of a ruler, would at first be recognised as a matter of course.

* Burke's appeal from the new to the old whigs.

I have already observed, that the harmony which must accompany a disposition in any number of persons, before living in a state of natural liberty, to establish over themselves a civil authority, could hardly prevail, unless among them, there were some one man, distinguished above the rest, for exalted qualities. The presence of two such would be a source of strife. The case, therefore, presupposes a degree of unanimity, under the decision of which the question of the right of the majority would be postponed unthought of. But should such a diversity of sentiment exist, as the presence of two men equally esteemed and beloved might produce, the remedy would be in separation, and the establishment of two communities instead of one. We must remember that we are speaking of a Nomadic tribe, having no settled habitations. We have a precedent for the settlement of any discussions among such, whether about the choice of a leader, or any thing else, in the case of the strife between the followers of Abram and Lot. "The land was before them, and one went to the right hand, the other to the left."

It has been the singular fortune of the people of the United States, to have been placed by providence in circumstances which have enabled them to prosecute hopefully an experiment on free government, at a time when the condition of the rest of the civilized world had seemed to fix the destiny of all the most enlightened nations under bondage to authority not derived from the consent of the governed. Another peculiarity in our destiny is this. With all the illumination derived from our own experience in government, superadded to that inherited from our Anglo-Saxon ancestors, and our communication with the most refined and philosophical nations of Europe, we have been placed in juxta-position with man in the rudest forms of society, and in the very infancy of government. We have thus been enabled to bring the eye of science to the inspection of nature in her most primitive aspect, and to view, as through a sort of moral microscope, the first germs of civil authority as they begin to develope themselves to satisfy the wants of society. In

the object thus brought before us, we see the original of the picture which I have been sketching. We see a people among whom, as yet, society has imperfectly hardened into government. Among them we find that the principle of aggregation spends its force, when it has united together a few hundred individuals, and is presently counteracted by a principle of repulsion to the rest of mankind. In those tribes which, under the teachings of their white neighbours, have made some advances toward settlement and cultivation, we hear of associations embracing larger numbers. In the ruder sort, we see that even the petty hordes that bear a common name, are subdivided into yet more minute associations, each with its separate and independent chief, occupying localities widely distant from each other, and recognising no tie, but that of a friendly relation growing out of the recollection of a common origin. As an example of this, let me say that I have personal knowledge of no less than four independent bands of the Shawanee race, who were but lately scattered from the shores of the lakes to the banks of the Red river, each having its own peculiar range. I once saw assembled the whole force of one of these, said to be the most enlightened and numerous. The band numbered only about seventy warriors. Their chief was a venerable man in green old age, highly respected, and unhesitatingly obeyed. Such is the only authority known among these people. Yet where on earth was the spirit of liberty ever fiercer or more indomitable than among them? Where was it better guarded and fortified by vigilance, sagacity, activity, simplicity of manners, hardihood, boldness and fortitude, than among this peculiar race? None ever existed more worthy to engage the attention of the philosopher, and the sympathy of the philanthropist, than this people, in the midst of whose rudeness we find an intellectual power hardly inferior to that of the early Greeks, and who, if they outlive the wrongs and persecutions of *barbarous civilization*, bid fair to contest the empire of mental supremacy with the *Homo sapiens. Europeus* himself.

In short, gentlemen, the great error of those who speculate on the origin of government is this. They seem to consider it as a thing struck out at a single heat, and from the first endued with all the powers necessary to the affairs of a civilized and enlightened people. The example I have given proves, and a moment's reflection should convince us, that this is not so. The necessity for some control over the actions of individuals is felt long before the minds of men are prepared to submit to those multiplied restraints, which, in a more advanced state of society, are found to be indispensable. The powers necessary for this purpose in a society composed of but a few individuals, can nowhere be so safely placed as in the hands of one man. They are not such as he has any temptation to abuse. He holds them by no warrant that may not, at any moment, be revoked. He holds them by no tenure but that of opinion. His position implies no advantages to make it desirable but as a post of honour. Hence the control of opinion over his actions, is unbalanced by any sordid or ambitious views, and, as he has none to share responsibility, that control is absolute.

The example teaches two things, both of which we learn also from remote history, and both of which I have endeavoured to establish by reasoning from cause to consequence.

The first is, that there is a limit, and a very restricted limit, to the principle of aggregation in the uncultivated man. The necessities that drive him into society are few, though imperious. They are satisfied by a connection with a few friends, and they are of a nature to make him shrink from a connection with any but friends. An extensive and promiscuous association, would expose him to many of the very dangers against which he seeks security in society. When this, by the natural process of procreation, advances beyond a certain number, a portion find themselves drawn together by bonds of peculiar and exclusive attachment, and finally separate from the rest.

The second proposition proved by this example is, that, in such embryo societies, the first idea of govern-

ment is derived from a habit of deference to one man, and that when the authority of government comes first to be distinctly recognised, it is always personated by a single individual speaking and acting on behalf of all.

I cannot permit myself to dismiss this topic, gentlemen, without suggesting an application of what I have said, which may convince you that I have not been actuated by a spirit of vague speculation, or a taste for antiquarian research. I will point out here an inference, to which I shall hereafter endeavour to lead you, and which is, in some measure, justified by the example of the untamed wanderer of the forest, exulting in the consciousness of the wildest freedom, while recognising a form of government, whose only feature awakens in *our* minds no thought but of the most abject slavery. To the civilized inhabitants of cities and cultivated regions, the unbalanced rule of a single man is despotism. To him whose subsistence is drawn from the forest, and whose home is under whatever tree affords him shelter, it leaves the enjoyment of perfect freedom.

What makes the difference? It is in the men and in the circumstances in which they are placed. These make government what it is; generally in its form, always in its practical effects. In the beginning both are alike the creature of circumstances. Then government attempts no more than to protect natural rights by providing substitutes for those natural remedies which it necessarily takes away. It is not until men advance so far as to begin to speculate on theories of government, and to copy the institutions of other countries, without due consideration of their fitness, that laws and systems are found to embrace any but such points as the actual condition of the people commends to the attention of the lawgiver. Legislation is then often carried ahead of the actual wants and condition of the people. Our own code is full of instances of this, and of proof that such legislation is but a dead letter. Such laws are not enforced. Public sentiment forbids it. But if, in defiance of that, attempts are

made to enforce them, they are either successfully evaded or presently repealed. Our statute book is full of such sleeping lions which no man dares awaken. Innumerable provisions of the common law, which were well adapted to a former state of society, are still retained, though now inapplicable to our own. On the other hand instances may be found, where innovations prematurely introduced, are equally inoperative. Sometimes the two extremes meet together. A few centuries ago, the duel was regulated by law in England; it held an honourable place among her institutions, and was recognised as one mode of deciding legal controversies. By a change, for which the public mind was unprepared, duelling was denounced as highly criminal, and death in a duel was declared to be punishable as murder. Has it ever been so punished? Never. In no single instance. At the same time, it is amusing to see, that the trial by battle, though disused, was, but a few years ago, among the forms known to the law. With us it is still nominally in force. Do we ever hear of its employment? Exactly as often as we see a man hanged for killing his adversary in a duel.

To a certain extent, indeed, our law against duelling executes itself, by means which evade the control of public sentiment. Yet the result illustrates what I have said. Such mitigation to the supposed injustice as public sentiment can afford, it applies. The sympathy of the people goes with the victim of that law. He must perjure himself, or hold no office in the gift of the state. The consequence is, that any office under the federal government, that he is qualified to hold, is eagerly bestowed. The legislature itself, which enacts the law, will send him to the senate of the United States, if he has talents for the post. Men of inferior endowments are otherwise provided for. One having the least pretensions to a seat in the legislature, has but to kill his man in a duel, and he is straightway sent to congress.

Yet those obsolete maxims and premature enactments, which are wholly inoperative, have still the outward semblance of laws. But are they laws to you or

me? Do we govern ourselves by them? Does any man dream of enforcing them? Yet wherein do they differ from constitutional powers, which the ruler dares not exercise, and constitutional rights which the people dare not assert? These, too, are dead letters. In spite of the first, they who are free in spirit will be free. In spite of the latter, the craven, who is a slave in heart, must be and remain a slave.

I shall not, at this moment, press this topic any farther. I have said enough to entitle me to assume it for the present. But I shall never lose sight of it. I beg you not to do so; for I will not disguise from you, gentlemen, that the object of these lectures is not to conduct your minds in any Utopian enquiry after what is called "a best in government." There is no best in government. That which is best for one people, is not best for another. There can be no best, where there is no freedom. But it is not the office of free government to *qualify* a people for it. It must find them already so qualified. It can never make them so. The capacity for freedom is a capacity for *self-government;* and, wanting that, a people restored to freedom will but use it to seek a master. The rigid mould of despotism may act upon the subject mass, and shape it to its purpose; but, in all other cases, the reverse of this takes place.

But I repeat, that I do but assume these maxims for the present, for the purpose of showing that my preceding remarks, though apparently but speculative, might lead to practical results. I hope you will find it so in all cases. It will be my great object, throughout my whole course of lectures, to establish the propositions I have here hinted. It is my purpose to awaken you to a sense of the danger of trusting too much to forms. No walls can protect a sleeping garrison. And how often are these forms but illusory! How often do they divert the attention from the true point of danger! How often are they but as outworks, on which the skill of the engineer is elaborately displayed, while the enemy is already within the fortress! A people beguiled into entire confidence in such defences, is already lost.

Sunk in sloth, enervated by indulgence, corrupted by luxury, and lulled by flattery, they sleep in fond security, and awake in chains.

LECTURE IV.

The Body Politic. What is it?

In my last lecture I advanced the proposition that government, in the beginning, was the creature of circumstances; and I showed, both from history and observation, that, in that stage, it is just what reason, looking to circumstances, would infer that it must be.

To this course I attribute the fact, that those few circumstances, which are common to all men everywhere, have impressed themselves on all the governments that exist or have existed. I have shown you how society is necessary to man, and government to society, and how, in all governments, we find certain principles, which adapt them to the great purpose of preserving society, and securing the chief end of society itself—the safety of the individual. A few additional remarks will not be amiss in this place.

The creation of society necessarily implies the formation of relative ties, and the development of relative rights and obligations before unknown.* The savage, who, for the purpose of securing protection to his children, and to the mother of his children, connects himself with others, requires some recognition of his rights as a husband and a father, which may secure him from receiving injury at the hands of those to whom he looks

* Observe that this is said in reference to *society*, not *government*. The right of the husband to the exclusive enjoyment of his wife's person, is the result of a natural right in *her*, and will continue while she prefers him. But this does not prevent another from seducing her. His duty not to do this is a *social* duty.

for aid. Hence we everywhere find that more or less regard to the sanctity of the connubial tie, forms an essential part of the rudest systems of jurisprudence. The rights of property are also seen to receive attention from the laws. This becomes necessary, as soon as the sense of security encourages a man to appropriate to himself more than the few rude garments and implements, which he can carry about his person. The regulation which guards his ownership of that which is not in his actual possession, is an artificial innovation on the primary law of occupancy, in which all separate property originates. This, too, is universal. So far as the recognition and protection of these rights require any provision for that purpose, so far all governments are found to be alike. They may vary in the degree of sanctity ascribed to these things: they do vary in the safeguards and remedies devised, but all recognise and enforce respect to them.

At the same time it is remarkable, that, in savage communities, the absolute and personal rights of individuals, which are not the creatures of municipal regulation or social discipline, are left as society and government found them, to the protection which the unadulterated law of nature afforded. Society has already made some progress, when the right of personal security is made the subject of municipal regulation. The hand is, at first, left to guard the head; and each man continues, as before, the avenger, in the last resort, of his own personal wrongs. The right of personal security is not the creature of society. Municipal law has neither given nor impaired it, and therefore leaves it where it was before. Not so with the right of property. This is enlarged in a degree which calls for the protection of laws. The thief, therefore, is punished as a public offender. The murderer is left to the vengeance of the kindred of his victim. That which these submit to, society does not complain of. That which they want the courage or strength to punish, is overlooked by the rest. Not only is this true of such barbarian tribes as the savages of this continent, but traces of a similar state of things are to be found in the laws of

the most civilized nations to this day. The appeal of murder is clearly a relic of it.

But although municipal law has been slow to add any thing to the sanctions of the law of nature, for the protection of the persons of individuals of the *same* community, there is no society so rude, that it does not profess to recognise the obligation to punish, as a public offence, the murder of a member of another community. In searching for the reason of this difference, we shall find it by recurring to some of the ideas I have already laid before you. We have seen that one of the principal ends of the establishment of government is to provide, in the collective responsibility of the whole, a substitute for the responsibility of the individual aggressor to any member of another community who may complain of wrong. The society interferes between the avenger of blood and his victim, and, in so doing, assumes the duty of punishing the offender, or delivering him up to punishment, if, on enquiry, he be found guilty. This is done for the sake of peace; and, on the vigorous impartiality with which this duty is performed, depends the peace of both communities. To screen the aggressor openly, or by a mere show of prosecution, is to make his offence the offence of the whole body. Depriving the injured party of his natural redress, they are bound to furnish a substitute therefor.

Communities, by thus charging themselves with the acts of individuals, assume a moral responsibility which constitutes them a sort of artificial moral persons; and to these artificial persons the language of political science gives the name of *bodies politic.* In prosecuting our investigations, we shall find it necessary to acquire accurate ideas of this phrase, and there is no fitter time than the present, for instituting an inquiry into its true meaning, and the nature of the thing designated by it.

I knew no better method of conducting this enquiry than by announcing, in the outset, a definition of a body politic, and then proceeding to vindicate and explain the terms of that definition.

A body politic, then, is a society of men, permanently united for the purpose of promoting their common welfare, and possessing within and of itself a right, derived from the consent of the parties, and recognised by the rest of the world, to regulate the civil conduct of its members.

I am not aware that this definition has been given by any author, though its correctness may be established by the writings of all. Vattel, for example, pronounces "a nation to be a body politic or society of men united together for the purpose of promoting their mutual safety and advantage by the joint efforts of their combined strength."

This definition I have been constrained to reject. According to this it is such an association as may be found in any band of robbers, or crew of pirates. Such associations would, doubtless, be glad to be recognised as nations, for the purpose of escaping the punishment due to their crimes. But all the world are, for the same reason, interested in denying them that character.

This definition would also embrace a caravan of merchants, traversing the deserts of Africa, or the wilds of America, and even the captain and crew of a merchant ship upon the ocean. This would be indeed of less dangerous consequence, but still more absurd, for such associations have no interest in claiming a national character. Their individual members desire and profess to retain their original connection with their respective countries; and on this they rely, and to this they appeal for redress of their wrongs, against each other, as well as strangers.

From these considerations it is manifest that this definition is too broad. As if aware of this, the author tells us presently after, that every body politic has a right "to govern its members in every thing that relates to the common welfare." This, although true, is so stated as to introduce another and grosser error, instead of correcting the first. Take this proposition in connection with his definition, and the result will be, "that every society of men united together for the pur-

pose of promoting their mutual safety and advantage by the joint efforts of their combined strength, has a right to govern its members in all things relating to the common welfare." If this be true, then the crew of pirates, or the gang of banditti, are at once established in a right which places them on a footing with Alexander, Cæsar, and Bonaparté, in the eye of the law of nations. The resolutions of the association or its chief, may be *morally* wrong in both cases, but individuals can never be blamed for obeying those who have a right to command their obedience. Some miniature St. Helena must be contrived for Rinaldo Rinaldini, and other worthies of the same stamp, and the execution of his accomplices would be visited with the indignation of the world, like the slaughter of Marshal Ney.

These objections to a definition which I find current in the world, have led me to suggest such modifications as may remove them. It will be seen that, according to that which I have given, the authority of the body over its members must be inherent and not derived. Without this we might have embraced a mere corporation. But as the binding authority of such a body owes its force to an authority above that, such a case is excluded. Such, by way of distinction, are called bodies *corporate*. I have said moreover, that the right of a body politic to govern its members, must be derived from the consent of the parties, and recognised by the rest of the world. These two propositions are, apparently, quite distinct from each other, yet their mutual dependence is such that I shall not treat them separately. If you bear in mind what I have already said, you will see, that it would be absurd for any one to submit himself to be governed in all things, by an authority not acknowledged by the rest of the world; and it would be absurd for mankind at large to recognise the authority of a society, unless that authority was admitted by its members. That the right of every society to command its members must be derived from their consent, is proved by the natural equality of man. Unless one man be born with more rights than another,

none can have a natural right to govern another.* In a state of nature, therefore, every man must possess the right of self-government, and on this right no limitation can be rightfully imposed but by his own consent.

That consent may be either express or implied. Foreign states will have a right to imply it from mere acquiescence, and it is no concern of theirs whether this acquiescence be voluntary or compulsory. As between the parties, it may be implied from the act of the individual himself, or from circumstances, which, without consulting him, have imposed a duty upon him, to which others have a right to presume his consent.

He who for safety takes up his residence within the walls of a town, built for the protection of a society inhabiting it, may be considered as consenting to be governed by the laws of that society. Here his assent is proved by his own voluntary act.

The other sort of implied consent is not easily deduced by argument. But it needs little to be said in its favour, as the common sense, and common usage of all mankind recognise it. Of this sort is the consent of a child, to the authority of its parents, during his minority, and his consent to those duties growing out of the filial relation which accompany him to the grave. The history of the patriarchal ages shows us, that, in the absence of other governments, the obligation arising from this relation was recognised as continuing unchanged through life. We find it acknowledged, even to a late period, by the laws of the Romans; and I am not sure, that that is not a refinement of modern and artificial society on the simple maxims of natural society, which, at any time, postpones the duties of the son, to those of the citizen. So we feel it to be; and the hearts of all men unhesitatingly give their sympathy and applause to the son, who, at every hazard, screens his father's life when threatened by the laws of his country. Why is this, but that we feel that he

* Vattel, Prelim. S. 18.

owes a duty to his father, of which, by his own act, he could not divest himself? If, then, the duty which he so strongly feels, and which all so frankly acknowledge, is imposed on him by his birth, nature, and education, (in all of which he was but passive and unconsulted,) if this duty be so plain and so imperious, may we not fairly presume his consent to it?

Of the like nature is the presumed consent of every man to the laws of the society into which he was born; which has given its aid to his parents in his nurture and education; of whose institutions he has enjoyed the protection and the improving influence; and which, in some sort, stands toward him *in loco parentis*. You all feel, and will acknowledge, that you have consented to this. But, as yet, you have never been consulted, and in the numerous laws enacted since you came into the world, you have had no voice. Yet I am persuaded that there is not one of you, who does not feel that he who should doubt his cheerful and hearty consent to be regarded as a member, and to abide the laws and fortunes of this fostering society, would do him great injustice.

It is in this broad and comprehensive sense that I have used the word "consent." It may be a strained sense. But as this is not a philological, but a political lecture, I may take the liberty so to use it. If the language does not afford words to express our meaning precisely, we must coin new ones, or adopt those already in use, in a new and conventional sense. In such a sense I beg to be understood, whenever I speak of the consent of individuals to the laws of society.

Being thus guarded against misconstruction, I repeat, that in a state of nature, each man must possess the right of self-government, and that on this right no limitation can be rightfully imposed, but by his consent. But along with this right is the right of self-redress, the right to seek and obtain reparation for wrong, and security against its repetition. Now the subject of this right is the natural individual man, who has done the wrong, and such a right is plainly not liable to be impaired, or in any wise modified, by any act of the ag-

gressor himself. The members of each society are supposed to agree among themselves to forego the exercise of this right against *each other*, and to take in lieu of the direct responsibility of man to man, the acknowledged responsibility of the offender to society, and the acknowledged duty of the society to enforce ample justice to the injured member.

But all this is plainly conventional, and binds none but the parties. Now suppose the party injured to be a member of another society, which has seized upon the individual by whom he has been wronged. They know him only as a natural man, and as such they proceed to punish him. By what right shall he defend himself from punishment, by telling them of a bargain he has made with somebody else, to which they are not parties, and which they have never agreed to respect? Such might be the plea of a robber. The answer would be: "your associates may be such as yourself. We know them not. We know not that they have the power or the will to enforce respect on the part of their members for the rights of others. We have therefore never acknowledged them as a body politic. We have never agreed to exchange the responsibility of the natural man of that society each for himself, and his own acts for the collective responsibility of the whole. We do not know that that society could or would do its duty as a member of the commonwealth of nations, and shall not recognise them as such until properly satisfied on these points. Until then, we shall treat any one of them who injures us, as an outlaw, amenable to our authority, because not amenable to that of any society on which we can rely, to coerce him to his duties, and to make reparation for injuries done by him."

Now if it be true, that the right to redress his own wrongs is the natural right of the natural man; and if it be also true, that this right cannot be taken away by the act of the wrong-doer himself, without the concurrence of the injured party, nothing can be objected to the truth and conclusiveness of this reasoning. It results from this, that, not only is it necessary to the existence of a body politic, that her people should hold

themselves bound by her laws, but also that no state can properly fulfil her functions as a member of the commonwealth of nations, and do her duty to her own citizens, unless her claim to the character of a body politic be allowed by other powers. Without this, her people, responsible both at home and abroad, might be put to the hard alternative of being punished by her for disobedience to her commands, or being punished by others for obeying them. The consideration of obedience to domestic authority fails, unless protection from foreign responsibility is afforded. On the other hand, the claim of other powers to hold the individual individually responsible, should not be relinquished, until it is manifest that domestic responsibility is fully established, and will be duly enforced on behalf of foreigners.

But this is all that foreign nations have a right to require. On the other hand, the right of men to associate themselves in bodies politic is so important; society is so necessary to man, and government is so necessary to society, that more than this cannot properly be required. Moreover, experience has shown, that where the authority of the body politic is fully established, and faithfully exerted to enforce a respect to the rights of strangers, the collective responsibility of the whole is more safe, more practicable, and less likely to be attended with unpleasant consequences, than that of individuals. Hence it is a received maxim among nations, that any people who manifest the disposition and the power to punish crimes and redress injuries committed by their citizens against foreigners, has a right to be welcomed to the commonwealth of nations.

These remarks may suffice to show, that jurists do not promulgate an arbitrary dogma, nor use a vain unmeaning form of words, when they say, that sovereign states, and none else, are members of that commonwealth. It is this right to command, to be obeyed, and to protect; the right to hold the individual responsible to the community, and to interpose the collective responsibility of the community between him and any

foreign complainant,—this it is which constitutes sovereignty.

It is manifest, that, in this view, it is of no consequence how this state of things comes into existence. A set of loose individuals, collected by chance from every quarter of the globe, may establish themselves in any territory, whether by occupancy or conquest, and thus become a body politic. Any portion of an old community may be set apart and given up to self-government, and thus formed into a body politic. In short, whenever this right to command, to be obeyed, and to protect, is fully established, whether in a Nomadic tribe, who have no idea of sovereignty but over persons, or in a fixed community whose notions of sovereignty are local, and limited by certain boundaries—whether these rights have existed from the foundation of the world, or were claimed and recognised but yesterday—whether they result from the independent action of men, until then strangers to control, or from the assent of a state of which they once formed but an integral part, in each and every of these cases, wherever these rights exist, there is a body politic, and there is sovereignty.

Here again, gentlemen, I may have seemed to you to have dwelt too long on a topic of little practical value at this day. Let me then make a practical application of what I have said which may convince you of the importance of those ideas to ourselves. With this view, I propose to consider what effect on this sovereignty may be produced by supervenient circumstances. I allude to those cases in which the sovereignty of a state is in some measure obscured by its relations to other states, although it remains unimpaired, and that other class of cases in which it is totally extinguished.

To discriminate between these, we should bear in mind, that every body politic is endued with that sort of artificial individuality, which constitutes it, in the language of political science, "a moral person." Now we must remember that this moral personality results from the unquestioned authority of the body over its

members and its consequent responsibility for their acts. A chance assemblage of loose individuals is no such moral person, because the whole have no authority over the parts, and are not responsible for them. Not so with a society united by obligations which bind each to the whole, and creates an authority, with which the rest of the world agree not to interfere, to regulate and control the acts of each.

Now, as this moral personality depends on this relation of the whole to the parts, it follows, that while the latter continues, the former will remain. Hence it is held, that it is not necessarily impaired by feudal subordination, if, while the feudatory is subject to his suzerain, his subordinates are responsible to him and he for them. So in the case of treaties of unequal alliance, of tribute, or of protection; it is only to this collective moral person, that the other party looks for the fulfilment of the treaty, and it is only by acting on him, that he can enforce it.

The same considerations apply to states having a common head. Before the union of England and Ireland, they stood in this relation. The English parliament, with the consent of *their* king, enacted laws under which their people lived, and enforced them by their own sanctions. In these matters the people of Ireland were not consulted. In like manner, the people of Ireland, without consulting the people of England, enacted laws for the government of their people, with the consent of *their* king. This king being also king of England, and his assent being necessary to all laws in either country, it was of course, that, as king of Ireland, he would never assent to laws offensive to him as king of England, and *vice versa.* This effectually prevented any collisions between the sovereignties of the two countries, but took nothing from the distinctness and completeness of either. Yet such was the effect of this kingly identity, and such were the circumstances of the two countries, that a careless observer might easily have lost sight of the* distinct and inde-

* It was quite easy for *foreign states* to lose sight of the dis-

pendent sovereignty of Ireland. But in a recent case no such mistake was ever made. Until the death of William IV., the king of England and the king of Hanover were the same man. Yet the government of Hanover was, in practice, as well as theory, as independent of that of England as if under the dominion of a different but friendly prince.

The only case which remains to be considered, is one of deep interest to us. I mean the case of a confederacy of states. To prepare for a right understanding of this, let us, for a moment, advert to the change in the relation between England and Ireland, made by what is called the Union. Before that time each had its own legislature, the king himself acting for each country as king of that country only, and not at all as king of the other. Each had its own distinct and perfect government, by the functionaries of which its authority was personated alike in the regulation of foreign or domestic affairs. The king of Ireland, as such, might have made a treaty, by which England would not have been bound, and the king of England had the same power to bind that kingdom, without imposing any obligation on Ireland.

Now the effect of the union was to *abolish* these several legislatures, and to substitute therefor a single legislature, having equal authority over both islands. The king no longer retained the separate characters of king of England and king of Ireland, but became the king of an united kingdom.

In this state of things, not only has each country lost the capacity to legislate for itself independently, and without any control from the other, but, in point of fact, there is no public authority by which the separate moral personality of either is represented. The moral person once known as the kingdom of England can now be nowhere found. The same is true of Ire-

tinct political existence of the two kingdoms. The treaty-making power in each, was in the king alone, and as his treaties made the same stipulations for both countries, the result to others was the same as if they had been united. But he *might* have made one treaty for England and another for Ireland.

land. It is not only not admissible, but it is not possible to carry on a separate negotiation with either alone.

Now such an union as this infers a total abrogation of the separate sovereignty of each country. Each people has voluntarily divested itself of all means of expressing its separate will, and hence the separate sovereignties can no longer be said to exist. The Irishman is no longer subject to the authority of a kingdom of Ireland, nor is there any such kingdom to be responsible for him. The same is true of the Englishman. The authority and responsibility, in both cases, attach to the joint sovereignty of the new state formed out of the two old ones. The union of the two is such as to have effected a complete consolidation, forming a single nation, a single body politic, out of what once were two.

Here we see a case, in which, by the union of two sovereignties, the separate sovereignty of each is lost, and here we see the reason of this consequence. Now apply this reason to the case of two or more states forming a confederacy, in which each retains its distinct political individuality, its separate machinery of government, its power to command and enforce the obedience of its people, and, in short, every thing which constitutes a separate moral personality. Here, I apprehend, there is no loss of nationality, but that each state remains within itself a complete body politic.

It remains to consider how far this sovereign character is impaired by an agreement not to exercise certain functions of sovereignty. I conceive not at all, if such agreement leave the state in possession of a public authority by which her will may be expressed, and of all the political machinery necessary to coerce the obedience of her people to that will. While this remains, all infractions of the agreement will be the act of the moral person, and not of the individual agent of her will; and it is impossible to imagine an infraction of it without presenting the idea of the sovereignty, by which it is broken. There is no other by whom it can be broken; there is no other by whom it can be ful-

filled; there is no other by whom an appeal for redress can be made; there is no other source from which reparation for the wrong can proceed.

But suppose pacific remedies to be provided for all but extreme cases, and tribunals appointed for coercing in individuals a respect for the compact, so far as it is liable to be violated by individuals. Even in this case, I see no loss of sovereignty, so long as these tribunals derive their powers from the sole or concurrent act of that sovereignty. Some persons have proposed that the powers of christendom should establish among themselves, and, by their joint authority, an international code of laws, and a court of prize and piracy. But certainly no man ever dreamed that the authority of such laws and such court over the property and persons of individuals, would at all impair the sovereignty of the several nations.

This matter may be brought home to ourselves by an example familiar, but much misunderstood. The body politic, which we know by the name of the Commonwealth of Virginia, acting in a general convention in the year 1776, ordained, among other things, that her people should be governed by laws enacted by her own separate legislature, and by no other, and tried by judges appointed thereby, and by no other. The same commonwealth, afterwards, in 1788, acting in the same character and the same forms, recalled a part of the power before conferred on her own legislature and judges, and conferred on functionaries to be appointed on behalf of that commonwealth, and twelve others, a power to legislate and judge in certain specific and defined cases. Now whence do these legislators derive their authority to bind by their laws a citizen of Virginia? Whence do these judges derive their authority to sit in judgment on a citizen of Virginia? By whose command are we bound to obey the laws, and to respect the functionaries of the United States? The answer to these questions will be found in the answer to this other question. Was it from the action of any or all of the other states, that the Constitution of the United States derived its binding force on Virginians?

No. It was so admitted at the time, and when all the other states had adopted it, the people of North Carolina, during an interval of two years, remained free from any obligation to that Constitution. When she adopted it; when she commanded her people to respect it, then they were bound, and not before. The same is true of all the rest. It follows that when we give our obedience to the laws, and our respect to the functionaries of the United States, we do so because Virginia has commanded it. In the very act of this obedience we acknowledge her sovereignty, and so long as she retains her distinct political personality, and her right to make and execute her own laws, so long she will be in condition to receive the homage and allegiance which she claims from her people, by the very act by which it is sometimes pretended to have been surrendered.

It is not merely to vindicate what I have said of the nature of bodies politic from the charge of abstraction that I have called your attention to this case. I desire to impress it on your minds, and shall, elsewhere, speak of it much more fully.

You are all members of an ancient and illustrious commonwealth, whose laws it may be your office to enact and administer, as well as to obey. There is nothing so important to you in the study of political science, as to understand perfectly the nature of that commonwealth, and of the ties which bind her to her sister states. I would not even let this occasion pass, without saying, what you cannot hear too soon or too often, nor think on too deeply—Virginia is your country, and the country of your fathers. To her your allegiance is due. Her alone you are bound to obey. Should they who speak in her name, command you to disregard the Constitution of the United States, which she has charged you to respect, they misrepresent her; and by refusing your obedience to any unconstitutional enactment of her legislators, you obey her in disobeying them. Give her all your allegiance, all your devotion, all your veneration and love, and you will give the best pledge of your fidelity to the Constitution

of the United States, which she has commanded you to respect, and which you are bound to respect, only because she has commanded it.

LECTURE V.

So far, gentlemen, we have been engaged in the study of things *that have been.* Such investigations are curious, and may be amusing, but it is not at once apparent that they have any connection with the things *that are.* To trace out this connection, and to detect in these simple associations which I have described, the germs and causes of all those various governments with which we are familiar, is the task to which I now proceed.

If there be any truth in the ideas I have already presented to you, it would seem to follow, that society, in its infancy, and just about to invest itself, for the first time, with the armor of government, could hardly be expected to take any form but the monarchical, or the democratic. For my own part, I am at a loss to see how, in such a state of things, any circumstances could exist which could give rise to an aristocracy. I offer this remark with diffidence, because I am aware that most writers consider the three forms of monarchy, aristocracy and democracy as alike simple, and alike primitive. Yet I look in vain for any thing to make me doubt its correctness. I see no motive which could actuate men, first made sensible by experience, of the want of something like government, for the preservation of peace, to establish among themselves a divided authority, which in its exercise, would so often become a source of contention. I have already said, that should the members of an infant society differ among themselves as to the choice of a ruler, the remedy would be to form two or more societies, instead of one, each living under the ruler of its own unanimous choice. Reason shows me that this should be so. History affords some proof that

it was so at first, and my own observation has made it manifest that it is so at this day.

What then is the origin of aristocracy, and whence came it to be one of the elements in the constitution of any government?

Before we enter on this question, it is necessary to acquire distinct and accurate ideas of what we mean by this word aristocracy.

Nature and circumstances make a difference among men, whether in society or out of it. There are diversities of natural and acquired endowments, of strength and courage, and intelligence, and prudence, of industry, steadiness and sobriety, and these make differences in acquisitions, and in the estimation of mankind. Under any form of government which affords equal security to all the rights of all men, these acquisitions will occasionally be seen to accumulate in the hands of some, to an amount which may make them objects of envy. The domestic habits of wealth and poverty are so essentially different, that social intercourse between the two will afford little pleasure to either party, and will be soon interrupted and discontinued. The wise man can take no delight in the company of the fool, and can afford him but little. Society thus, without the agency of government, divides itself into classes, and these are distinguished by circumstances which may well engender contempt on the one hand, and envy and hatred on the other.

But this division does not constitute an aristocracy, for it implies no exclusive privileges in the higher classes; no political authority in either wealth or wisdom, but leaves the possessor of both to stand as a unit in the general estimate of the common will. He may indeed possess an influence over others, but this will only be, because the blind submit to be led by those who can see, or the poor are base enough to sell their voices to the rich. But this, so far from being the result of any conventional distinction in favour of the higher classes, does in fact proceed directly from the democratic principle, which places power in the hands of men subject to such influences, and disposed to court

them. Where there is no constitutional guarantee of exclusive privileges to any class, there is no aristocracy, though even there, some of the worst effects of aristocracy may be experienced. It may seem paradoxical, but, in truth, these effects are only to be avoided by a slight infusion of aristocracy itself. If you are unwilling that the wealth of the opulent nabob shall enable him to sway the suffrage of others, your remedy is to take away the suffrage of him whose poverty exposes him to be so influenced. But if you propose this you are sure to encounter opposition from both the parties to this corrupt traffic. The poor man will not readily consent to part with a prerogative which gives him an interest in the purse, and a title to the respect of his wealthy neighbour, and the latter will hesitate long, before he agrees to disqualify his humble and useful dependent to be any longer the efficient instrument of his designs.

This remark is somewhat premature in this place. But I offer it here, because, in this connexion, its truth and justice are obvious. Yet I advise you to consider it well, and see if there be any fallacy in it; for I forewarn you, that I shall hereafter use it to establish a conclusion, in which I apprehend you may not acquiesce without reluctance.

Let me now revert to what I had just before said, "that although many of the worst evils of aristocracy may exist, where there is no privileged class, yet the true idea of aristocracy, is that of an order of men invested by constitutional enactments with political power, and privileges peculiar and exclusive." As examples of this we may take the Roman senate, a self-existent body, possessing at first nearly all the power of the state. In modern times we see the senate of Venice ruling with absolute sway in that republic; and, in England, we have a house of peers, exercising in their own right, and by no delegation whatever, an authority under the constitution more than equal to that of the assembled representatives of the whole people. These are examples which show the meaning of the word aristocracy. What we learn from them corresponds exactly with the idea which the etymology of the word

expresses; viz: "A power in the state wielded by a privileged class."

The rich man's influence is no such privilege. He derives it, not from the constitution, but from the industry, enterprise and sagacity which have made him rich. By sloth, extravagance and folly he may lose it, the constitution remaining unchanged. The particular nature of his wealth, by connecting him with interests either prevalent or depressed, may vary the amount of his influence. As a land-holder, he may have but little. The same amount of capital, invested in manufactures, may give him the command of five hundred votes.

The man of talent may have influence, and if he tasks his talents to pamper the passions and flatter the prejudices of the multitude, he may have a great deal. A deeper wisdom, which might make him sensible of the danger of this, and prompt him to speak unpalatable truths, may annihilate it altogether. A sagacity yet more profound might teach him, that they who desire to influence mankind for their own good, must be content to concede something to their prejudices; that passion must be indulged with leave to vent itself in some degree, before it will listen to the voice of reason; that he who would lead must sometimes seem to follow, as he who would catch a falling weight, must give way to the first shock. Thus instructed in that practical wisdom which "makes the mind of the possessor the mind of other men," he may resume his influence. With all this the constitution has nothing to do. Its political character remains the same under all the mutations of society, and there may be no more aristocracy where the circumstances and characters of men differ as widely as possible, than there would be in the impossible case, where all were equally wise and equally rich.

I make these remarks, because we are in the constant habit of hearing of the aristocracy of wealth and talent, and are apt to permit ourselves to believe in the existence of things of which we hear habitually. Children thus grow up in the belief of ghosts and witches, and fairies, without ever having received one word of proof of their existence. Before we part, gentlemen, I hope

to convince you, that even these superstitions are not more absurd, nor more dangerous to the healthy condition of your minds, and your happiness in life, than the belief in the existence, among ourselves, of any thing like aristocracy.

Having given this explanation of the word, I proceed to enquire.

1. To what circumstances it owed its existence as a political element in the constitution of any state, ancient or modern.

2. Whether any causes can establish it in that character, among ourselves, or in any government where it does not now exist.

You will perceive, gentlemen, that in pronouncing monarchy and democracy to be the only two primitive forms of government, I lay myself under the necessity of deducing from these, not only aristocracy, but all the infinite varieties and modifications of government, which the world has ever seen. Of the practicability of this, I have no doubt. Results so various, from the combinations of simple causes, are in perfect harmony with all the operations of nature. By some philosophers, all the moral varieties of the human character are referred to modifications of one principle. None, I believe, suppose the existence of more than two. The curious research of the crystallographer, detects but some half a dozen primitive forms in nature. Yet to these forms, and the seven primitive rays, we must trace all the infinite varieties of beauty and deformity in inorganic matter. Analogous to this, is the growth of aristocratic and other governments formed by a similar process in the moral and political world.

You will remember, that it is only of man in his rudest state; it is only of Nomadic tribes, that I predicate the simple form of a government, whose few and restricted powers are wielded by a single hand. So long as man continues in this state, so long will such a government be adequate to all the wants of society, and so long will there be nothing in that form to offend the pride or alarm the fears of the fierce and untamed inhabitant of the forest. That a change in his condi-

tion and mode of life, might induce a risk to change the structure of his government, is sure. Whether he would succeed in accomplishing that wish, or whether the attempt to do so would eventuate in the establishment of a sterner authority, would depend on circumstances. It is curious to trace the operation of these in some of the remains exhumed by historical research from beneath the ruins of successive governments, which, in turn, have been established and overthrown in those regions of whose early history we know most.

Recent political events have established an obscure German prince on a throne erected on these ruins. His kingdom owes its existence and preservation to the protecting care of the more powerful nations of the north. Yet this petty kingdom, thus held, for its own good, in a state of subordination and pupilage, embraces within its limits all those Grecian states, whose internal affairs and mutual strifes, furnish the material of the most brilliant, interesting and instructive portion of ancient history. That which is now a speck upon the map of Europe, was then a microcism of rival states. That, which, entire, is hardly thought of dignity enough to be recognised as a member of the commonwealth of nations, then consisted of parts distinct and independent, forming a commonwealth of nations among themselves. Such was the condition of Greece more than two thousand years ago, and long since the commencement of the era of authentic history. But if we penetrate a few centuries farther back, we shall have no reason to doubt that even these petty sovereignties were themselves but agglomerations of yet smaller states. Thus we learn, that, in the time of Theseus, the narrow and barren territory of Attica embraced a confederacy of twelve states, which, from the nature of the thing, at a yet earlier period, had probably constituted so many independent societies and governments. What could have been their number? Reflect, for a moment, on the destructive wars which would rage among them, and you will see that they must have been very few. Yet their situation, pent up in that narrow peninsula, plainly shows that they had long before emerged from the hunter

state; that they must have passed through the shepherd state, and had already arrived at that stage of society which affords the incentives and opportunities of personal aggrandizement, and of foreign conquest. Yet in all the preceding ages of the world, in all the intercourse and collision of man with man, which had finally driven them to lay aside the bow and the crook, and to betake themselves to the plough for subsistence, no association would seem to have been formed among them embracing a territory more extensive, or inhabitants more numerous than those of one of our smallest counties.

This remark is not made at random. The narrow neck of land, which, below this place, divides the rivers York and James is of nearly the same extent as the whole of Attica, and you will see at once that were that district divided into twelve confederated states, the little county of Warwick would be a sort of empire state in such a confederacy.

Having thus detected the atomic parts which entered into the constitution of that particular state, of whose early history we know most, the question comes back upon us, "what were the forms of government under which they lived?" Of this we can only judge by inference. In the infancy of government, we have seen it taking the monarchical form. Reason will tell us, that society must have passed through the two first stages before any prevailing inducements to change that form could be expected to present themselves. How long men would live together in fixed habitations, before the temptation to abuse the facilities which power affords for the accumulation of property, would stimulate to usurpation or provoke to revolt, would depend on circumstances. These we have no means of knowing. All that can be said is this: that the earliest intsance on record of a transition from monarchy to any more popular form was in the time of Codrus, and long subsequent to that of Theseus.

The nature of the revolution which then took place, shows that, by some means, in the progress of society up to that point, an aristocracy had been generated,

and established on principles which enabled them, quietly and without a struggle, to build up their authority on the ruins of the throne. What were those means? To discover them, we must go back a little. The remote tradition which represents Attica as having been divided among twelve different bands, ascribes the settlement of each of these to Cecrops, who, establishing himself at Athens, at the same time made this distribution of his people in the rest of Attica. But the same tradition represents Cecrops as a new-comer, who, either by conquest or the consent of the aborigines, introduced a foreign people into the country. Such a settlement, however made, is itself a cause of aristocracy. If we suppose the colonists to "have acquired possession of the government, not so much by force of arms, as by the influence of superior arts, they would still establish servitude for the multitude, though not by so harsh a name. The laws they would frame for an uncultivated and wretched population would distinguish between the colonizers and the aboriginals. Yet the laws for the aboriginal population might still be an improvement on their savage and unregulated state, and generations might pass away before they would attain a character of severity."*

"But if we suppose a certain tribe to overrun a country—to conquer and possess it; new settlers are almost sure to be less numerous than the inhabitants they subdue; in proportion as they are less powerful in number, they are likely to be more severe in authority—they will take away the arms of the vanquished—suppress the right of meetings—make stern and terrible examples against insurgents,—and, in a word, quell, by the moral constraints of law, those whom it would be difficult to reduce by physical force, when once organized and in actual insurrection. In times half civilized, and even comparatively enlightened, conquerors have little respect for the conquered, and an insurmountable distinction is at once made between the natives and their new masters. All ancient nations seem to have thought

* Bulwer, p. 60.

that the right of conquest gave a right to the lands of the conquered country. William, dividing England among his Normans, is but an imitator of every successful invader of ancient times. The new-comers, having gained the land of a subdued people, that people, in order to subsist, must become the serfs of the land. The more formidable warriors are either slain or exiled, or conciliated by some allotment of authority and possessions. The multitudes remain the cultivators of the soil, and it depends on the will of the conqueror whether they shall cultivate it as slaves, or as a free but subordinate class."*

Thus it appears, that, whether a territory be subdued by a tribe of warriors, or brought under the dominion of colonizers by the milder arts of peace, an aristocracy of some sort is the consequence. The latter, superior in civilization to the natives, and regarded by them with reverence and awe, become at once a privileged order. The former, sharing the soil with their chief, each becomes the lord of lands and slaves, and each has privileges above the herd of the conquered population. In either case, an aristocracy, hereditary and permanent, is established, though in the former it will be more unequivocal and oppressive in its character. And this it will be, in proportion as the inferior number of the victors may render severity and rigour more necessary to safety. To a difference in this respect has been ascribed the difference between the abject subjection of the original inhabitants of Sparta to their Dorian conquerors, and the milder, and scarcely perceptible rule of the aristocracy in Attica. The first was a conquest achieved by a few hardy adventurers—the second by a new people overwhelming with numbers the ancient inhabitants of the country.†

In the advent of Cecrops, then, and his companions, we find a sufficient source of aristocratic power, even supposing all the twelve tribes established in Attica about that time to have been subject to his authority. But it is hard to conceive a motive to such a distribu-

* Bulwer, p. 59. † Ib. 61.

tion of power in that age of the world; and, if we remember that the very existence of Cecrops himself is apocryphal, we may feel ourselves free to doubt whether those tribes were any more than distinct bands of independent, but kindred adventurers. All that can be known with certainty is, that some such invasion actually took place, but more probably under separate leaders, like the founders of the Saxon heptarchy, each acting for himself, but each glad to co-operate with his brethren against the common enemy. Hence the league, which, under the influence of the commanding personal qualities of Theseus, ended in consolidation. How far this change may have been effected by means having a tendency to establish in aristocratic principles the inhabitants of that particular district, which finally obtained the supremacy, we have no means of knowing. Thus much at least we do know, that when afterwards the constitution of Athens became more democratic, we hear nothing of the political privileges of the inhabitants of *Attica*. We know of no such body politic as the people of Attica. The "Men of Athens" seem to have, even then, constituted the δημος, to which all the political power of the people belonged, and Athens appears to have been to Attica what Rome was to Latium, and afterwards to Italy, an imperial city, a "commonwealth of kings."

I have confined my remarks to the invasion of Cercops and his associates. I have said nothing of a subsequent event of the same kind, which established a new race over the heads of the first conquerors. One instance of the sort is enough for my purpose, and the example illustrates all that I have said of the origin and early progress of society and government. It has been well remarked, that "the history of that period is the history of the human race,—it was the gradual passage of men from a barbarous state to the dawn of civilization."*

If, then, it be affirmed by any one that aristocracy is one of the primitive forms of government, and the little states of Greece, all of which were more or less aris-

* Bulwer p. 66.

tocratic, are instanced in proof of this assertion, I answer by referring to this analysis, and showing, that these states, small as they were, were but agglomerations of yet smaller communities incorporated together by conquest. But there is a more important conclusion to be deduced from this analysis. I have said that to suppose an aristocracy to spring up out of a democracy, is to suppose an effect without a cause, and in defiance of all known causes. But here again, I expect to be answered by instances, and it therefore behoved me to put these instances out of my way. I have done so, by showing that these most ancient aristocracies have not been of the growth of democracy, but have been superinduced by a power from without. More modern examples of course prove nothing, excepting only the case of our own states, some of which recognise in their constitutions, peculiar privileges in landholders. But these privileges are not created by the constitutions in which they are found. They were already in existence, and were but endured for a season. Their origin is to be explained by the nature of the colonies in which they existed. The charter of Virginia may be taken as an example. It was a grant of lands to certain adventurers for their own use. To be productive they must be settled, and the settlers would need a government. The *proprietors* were therefore erected into a body politic, with power of self-government. It was an affair of property, and they who had no land in the country, had nothing in the partnership. On what principle should they be allowed a voice in the regulation of its concerns? The *company*, in itself, was democratic, and remained so. That which, to the superficial observer, seems like the growth of an aristocracy, was in truth nothing but the introduction of a *plebs*, having no interest in the concern, and therefore no authority over its affairs.

In short, I feel myself fully warranted in saying that history nowhere shows an aristocracy growing up, as a spontaneous shoot from democracy. It is always engendered by external causes, and in almost all the instances of which we have any means of knowledge, may

be traced to conquest. I can indeed imagine that the alarm excited in independent tribes, at the aggrandizement of an ambitious neighbour, may have led to coalitions, which might end in consolidation. If the members of such confederacy were in themselves monarchical, then it might happen, that, in the new body politic thus formed, an aristocracy might be established, consisting of the chiefs of the component parts. But this is but a conjecture. I am not aware of any such case.

Having thus forestalled any objection which may be offered on the alleged authority of history, I repeat what I have said: "that the growth of an aristocracy, springing up in a democracy, would not only be an effect without a cause, but in opposition to all known causes."

No people ever voluntarily and knowingly gave up their liberties. They may be robbed of them by force. They may be cheated of them by fraud. Nothing is more common than an infatuated admiration of the powers of some one man, and an accompanying confidence in his wisdom and virtue, that leads others to intrust him informally with the exercise of powers which he abuses, to the permanent establishment of despotism. In every country, the first successful aspirant to supreme power, has always been a favourite and flatterer of the people. No man ever put himself in condition to proclaim his contempt of the multitude, but by first affecting the most unbounded deference to its will. But, from the nature of the thing, one man at a time must be the object of this fond delusion. We never become infatuated with man or woman, until we can persuade ourselves that there is none other like them. Talents which are common to many dazzle nobody. Services, (however great,) which may be matched by the equal services of others, command but little gratitude. Wealth, which is shared by numbers, is spent in the rivalry of splendour and ostentation, which makes the possessors odious—not distributed in largesses to the poor. Flattery, spoken by a hundred mouths, ceases to be flattery, and is soon regarded as a just but imperfect tribute to acknowledged merit.

There is no one of the arts of the demagogue which the higher classes can practice successfully, and on joint account. From the most prevailing of all, that of inveighing against the immediate superiors of those they would cajole, they are debarred by the fact that, if there be an aristocracy, they themselves constitute it.

But men do not, in truth, practice the arts of the demagogue for the benefit of others. He who strives to cheat the people, means also to cheat his employer or his associates. We do indeed not unfrequently hear, from members of the higher classes, eloquent declamations against the insolence of wealth, and a profusion of cant about the sympathy and respect due to virtuous poverty. Do such things favour the views of the aristocracy as a body? Are they not rather proofs that he who utters them means his own advancement, at the expense of his equals? Is it not manifest, that, not the generous spirit of liberty alone, but that envy and jealousy, and all the base and malignant passions of man, combine to oppose the aggrandizement of any favoured class? Can we expect, that any man, actuated by a purpose so sinister as that of the establishment of aristocracy on the ruins of liberty, will, at the same time, be so magnanimous as to prefer the elevation of his order to his own. If he aim at the latter, will he not rather use his influence, and exert his art and address, and all his powers to disparage the imputed insolence, and ostentation, and injustice, and oppression of his equals in comparison with his own humility, and courtesy, and fairness, and liberality? Where an aristocracy, armed with political powers, *already* exists, an aspiring man may think it judicious to court that, and, in *that* case, he may hold a different language. But even then he will do this at the price of the hatred of all the lower classes. Let him proclaim, as his ruling maxim, a determination to *stand by* his order, and he will presently see, that, so far as his fate depends on popular feeling, he will be doomed to *fall* with it. In short, can any rational man entertain a doubt, that all attempts to establish a particular class in peculiar privileges, must be defeated at once by

jarring and strifes among the members of that class, and the unanimous opposition of all the rest?

I am aware that these ideas are quite at variance with the popular slang of the day. But, in the absence of any actual danger from the wealthier class of society, what does this prove, but the truth of what I have been saying. Does it not prove the existence of that envious and malignant spirit which chafes at the sight of men living in the full enjoyment of extraordinary advantages, though fairly purchased by industry, frugality, enterprise and sagacity, and justifies its grudge by imputing to them designs of which there is no proof, and a power which has no existence? We hear little of these things here in Virginia. But in those quarters from whence this clamour proceeds, what indications do we see of a political power associated with wealth, which should cause alarm to the friends of freedom? None. On the contrary, we see wealth operating as a political disfranchisement. We see the artisan and mechanic preferred to public employment before the man of light and learned leisure, merely because he is rich; and we even see justice itself grudgingly accorded to the rich man, for no better reason, than that he can better afford to lose a just debt, than his poor neighbour to pay it.

And here, gentlemen, is the practical application of all I have said in this lecture. If we mean to preserve our liberties, it must be by wakeful vigilance. We must not only be awake, and watch, but we must learn where to watch. We watch in vain, if we permit our attention to be withdrawn from those quarters from whence danger may proceed, and fixed exclusively to that whence none can come. Let me show you that I am not alone in the ideas that I have advanced. In some instances I have already made use of the words of an English writer, himself a bitter enemy of the aristocracy of his own country, and a most diligent and curious investigator of the philosophy of ancient governments. To these let me add some remarks taken from the most profound and accurate observer on the people and constitution of the United States, that Europe has sent among us. I quote from De Toqueville's essay on

the democracy of America, a work breathing the spirit of democracy in every page, (p. 400.) "Some of our European politicians," he says, "expect to see an aristocracy arise in America, and they already predict the exact period at which it will be able to assume the reins of government. I have previously observed, and I repeat the assertion, that the present tendency of American society appears to me to become more and more democratic. Neverthless I do not assert, that the Americans will not, at some future time, restrict the circle of political rights in their country, *or confiscate those rights*, TO THE ADVANTAGE OF A SINGLE INDIVIDUAL; but I cannot imagine that they will ever bestow the exclusive exercise of them on a privileged class of citizens, or, in other words, that they will ever found an aristocracy.

"An aristocratic body is composed of a certain number of citizens, who, without being very far removed from the mass of the people, are, nevertheless, permanently stationed above it: a body which it is easy to touch, and difficult to strike; with which the people are in daily contact, but with which they never can combine. Nothing can be imagined more contrary to nature, and to the secret propensities of the human heart, than a subjection of this kind; and men, who are left to follow their own bent, will always prefer the *arbitrary* power of a king, to the *regular* administration of an aristocracy. Aristocratic institutions cannot exist, without laying down the inequality of man, as a fundamental principle; as a part and parcel of the legislation affecting the condition of the human family as much as it affects that of society; but these are things so repugnant to natural equity, that they can only be extorted from men by constraint.

"I do not think a single people can be quoted, since human society began to exist, which has, *by its own free will*, and by its own exertions, created an aristocracy within its own bosom. All the aristocracies of the middle ages, were founded by military conquest: the conqueror was the noble, the vanquished became the serf. Inequality was then imposed by force, and,

after it had been introduced into the manners of the country, it maintained its own authority, and was sanctioned by legislation. Communities have existed, which were aristocratic, from their earliest origin, *owing to circumstances anterior to that event*, and which became more democratic in each succeeding age. Such was the destiny of the Romans, and of the Barbarians after them. But a people, having taken its rise in civilization and democracy, which should gradually establish inequality of conditions, until it should arrive at inviolable privileges, and exclusive castes, would be a novelty in the world; and nothing intimates that America is likely to furnish so singular an example."

Backed by an authority so respectable and so clear, and by reasoning so cogent, I feel justified and confirmed in all that I have advanced. And I should fall short of my duty, gentlemen, if I did not deduce from it an important lesson and a solemn warning to you. I would have you regard the phantom of aristocracy in the United States, of which, like other phantoms all have heard, but which no man has seen, as a creature of a distempered fancy, not less unreal than the images of a sick man's dreams. To those, who, calling your attention away from dangers of another sort, would alarm you into a jealousy of this, I would advise you to turn a deaf ear. They are either incapable of thinking wisely, or they have not thought upon this subject, or their thoughts are evil. Beware of them. The very materials for an aristocracy have no existence among us. Who are they, that, even in the flattering judgment of their own self-love, have pretensions to be so distinguished? Where is that Fabian race? Where is that constellation of statesmen and warriors, of the wise, the brave, the eloquent, the rich, united like a band of brothers for the advancement of their common claims? And, if they be found, where is the single individual disposed to favour their pretensions?

There is indeed a danger in the name of aristocracy, but none of the thing itself. It is the wizard's word to conjure with. It is the demagogue's bugbear to frighten the people into his toils. Beware of him, and

not of it. From the aspiring ambition of a single man, from his specious qualities, from his popularity, from the sloth, and cowardice, and wantonness, and malice, and envyings, and rapacity, and corruption of the people, from these there may be danger. In the thoughtful wisdom of those who have leisure to think wisely, and no temptation to think wrong; in the prudent vigilance of those who have more to lose by a convulsion of the state, than prince or people can make good, in these is your best defence. The demagogue knows this, too, and these he therefore stigmatizes as the "Aristocracy of Talent and Wealth."

LECTURE VI.

The ideas heretofore presented, have led me, by a natural process, to the point, at which it becomes proper to speak of the origin of that government from which our own was an offset. Having established the principle that aristocracy is the creature of conquest, it remains to show that the feudal aristocracy was exactly such as might be expected to spring from such conquests, as those of the northern barbarians over the ancient states of Europe.

Who these barbarians were, and whence they came, I have no call to enquire. It would indeed be desirable, were such a thing, at this day, possible, to trace them back to their forests, and ascertain the form of civil polity under which they there lived. I am aware that an idea is sometimes advanced, that it was the same which they established on their settlement in the cultivated regions of Europe. But this is but conjecture, and it is a conjecture not justified by any imaginable causes for such institutions, among a wild Nomadic race. The great fundamental principle of feudality has its rise in the occupancy and ownership of the soil, and how this could have been recognised among an unsettled

people is hard to imagine. Indeed the thing is plainly impossible.

Let it be remembered too that the invaders were of different races and from different regions, and we shall not readily believe that the same form of civil society was common to them all. That they all adopted it in their new settlements will cause no surprise, when we consider, that their condition in these was essentially the same, and that the leading characteristics of the system were precisely such as that condition would naturally suggest.

We have seen that conquest followed by settlement, naturally and necessarily establishes, between the conqueror and the conquered, the relation of superior and inferior. The precise form of this relation would depend, in part, on the character of the conquerors. But it would also be affected by a variety of other circumstances, and by none more than the state of society among the conquered, and their advancement in agriculture and the arts of life. Savages conquered by savages could expect nothing but *personal* servitude in its simplest and sternest aspect. Having nothing else to render to the conqueror but personal services, they would become the hewers of wood and drawers of water for their master.

The fate of an *agricultural* people submitting to the authority of conquerors as yet unskilled in tillage, would be essentially different. In no situation could they so essentially serve their new lords, as in the pursuit of their former occupations. They would continue to cultivate as before, and though the fruits of their toil would be consumed by another, their condition would be far less degrading, than that of the personal serf, condemned to follow the steps of his master, to watch his nod, to do his bidding, and tremble at his frown. From this abject state the prœdial serf would escape to the air and the fields, and though the melancholy strain which might accompany his toil,

"Sic vos non vobis fertis aratra boves,"

would have little to cheer his spirit, the very associations

which would give bitterness to his thoughts, would impart to them a tone of romantic tenderness, under the influence of which the heart is never wholly enslaved. In this situation the domestic affections may have their full play. The budding beauty of the daughter and the mature charms of the wife, may lurk beneath the shade, secure from the lawless gaze of lordly lust, to which the menial female is hourly and helplessly exposed. The cultivation of virtue in the offspring of chaste parents is an encouraging task, and the education of the child, according to the father's scanty means, would be left to him alone. The sort of enjoyments of which this lot is susceptible are beautifully depicted in Virgils first eclogue; and the contrast between the serf "*adscriptus glebæ*," who felt it a privilege to till for a master the soil which gave him birth, and that of the other doomed "Et patriæ fines, et dulcia linquere arva," is sketched with a truth and tenderness which carry conviction home to the heart. When I tell you that I myself have personal knowledge of more than one instance of slaves returning voluntarily from a land of "universal emancipation" to the spot which gave them birth, and covered the bones of all their kindred, you will believe that in this picture there is no exaggeration.

In either of these conditions of the conquered race, there might be much to embitter or mitigate their lot in the character of their conquerors. If ferocious and sanguinary, their methods of enforcing obedience would partake of their character. If cowardly, the precautions of fear are accompanied with the most unsparing cruelty. In the right of self-preservation the dastard finds a plea which silences the voice of conscience, and stifles the cry of suffering humanity. From men of nobler spirit, and yet more from men who had been instructed in the mild and benevolent precepts of Christianity, something far different might be expected.

In these considerations we see the reason of the difference between slavery as it existed at Sparta, Athens and Rome, and the servitude of the feudal system. We see also the cause of the difference between the

crushing and exterminating character of feudalism, as established by the Pagan-Saxon over the Briton, and the milder sway exercised some centuries after by the Norman Christian over the Saxons themselves. May we not here too find the reason why the commonalty of England, conquered at a period much later than the inhabitants of the continent, themselves indeed descendants of one branch of the conquering race, were never degraded so far as the remnants of the original inhabitants of those states which had fallen before the sword of the conqueror five hundred years before? May not this be the reason, why, in that island, the rights of the people were first asserted and first allowed; and why, to this day, the Saxo-Norman race is the guide and instructor of the world in the advance to freedom, and in the knowledge of the philosophy of government? It is in England that we first hear of a middle class. What was the material of this? Most probably the Saxon race, with the recently enfranchised British or Celtic serf, constituting the rabble below, and the conquering Norman, the nobility above.

It is not my purpose to present to you a detailed account, or even a general sketch of the feudal system. You will find these in those able works already in your hands, whose authors I will not wrong by garbling their contents. My business is with one or two of the principles of the system, and with those, only because from them I expect to deduce the rise of the lower orders, the advance of freedom, and indeed all that has been since achieved for the liberty of man.

The first result of feudal conquest was, that the land and the owners of the land became the property of the conquerors. The most important object demanding their attention was to secure their conquest. The means devised for this purpose were appropriate, obvious, and furnished by the occasion itself. It was indispensable that military discipline should be kept up, and military subordination maintained. But however men of enlarged minds may act on enlarged views, that class which is fated to feel the full weight of discipline and subordination, is not composed of mate-

rials which submit to these things without motives of personal advantage. Pay must be provided for the soldier, and the connection between his claim to pay and the fidelity of his service, must be fully established in his mind.

The device adopted with this view was admirable. The leaders agreed among themselves to recognise the title of their chief to the whole soil of the conquered country, each, at the same time, preferring a claim to a large portion, to be conferred as a reward of his services past, and a compensation for those yet to be rendered by him and his followers. In this way the whole island was parcelled out among a few great men, and, along with the allotment of land was a like allotment of the inhabitants to be employed in cultivation. A portion of each adequate to the supply of a competent revenue was retained in the immediate possession of the king and each of the great barons. The residue was then parcelled out in like manner to inferior nobles, by these again, by a farther subdivision, to knights, and by these, in small allotments to private soldiers. These, in their several degrees, drew their subsistence from the soil and labour of the conquered country and its inhabitants, their own proper occupation being that of war. Prompt and faithful service in the field was the stipulated price of all these advantages, and on the performance of that service the title of the feudatory was made to depend. The common soldier was thus bound to obey every summons to the field from the knight, his immediate superior; he to the lesser baron, was bound in like manner to appear when called, with all his followers; and so too was the lesser baron subject to the greater baron, and he finally to the king.

It is hard to conceive a proposition more savouring of despotic and arbitrary power, and one more seemingly fatal to the hopes of freedom, than that which designates the monarch as the sole and rightful proprietor of all the land in the kingdom. I shall more than once have occasion to call your attention to the difference between what is specious and what is true; and how, in the affairs of men, causes are often found

to work effects exactly the reverse of those to which they seem to tend. The hand which draws the bow-string is not moved in the direction in which the arrow is to fly, and so too it is that in morals the elastic spirit of man often reacts against a force which has but prepared it to display its energy with effect. The operation of this fundamental principle of feudalism illustrates this. Every maxim has its correlative. Power cannot make such a monopoly of propositions and corollaries, that every annunciation of its rights will not awaken in the minds of others some idea of its duties, and of their own reciprocal rights. There is no authority so stern, so harsh, so unreasoning in its requirements, so ruthless and unsparing in its punishments as the military authority. The soldier is brought to believe that prompt, unhesitating and unquestioning obedience to the commands of his superior is his duty on all occasions; a duty that knows no exceptions; that absorbs every other, and even emancipates him from all control of conscience and all responsibility to his maker. Yet while he acknowledges this duty, he traces it to its source, and finds its origin in contract. This contract he is taught to recognise as a sacred thing. He does so, but he feels, at the same time, that they who teach this lesson, must enforce it by example, and show that they too have learned it, and respect it. Hence it is that the soldier's pay comes to be considered as no less sacred than the obedience of which it is the price; and hence no rigour of discipline that ever has been devised will prevent soldiers from mutinying for their pay. In consideration of this, he has consented to the surrender of all his other rights, and when this is withheld, all the energy with which men defend all that is dear to them, is roused and concentred in demanding it. It not only represents and embodies in itself the right to freedom of action, but the friends he may see no more, the home whose dear delights he has renounced, all come thronging to his imagination, and stimulate him to strike for the paltry stipend which at the moment perhaps, in the bitterness of his heart, he despises.

When the feudal chieftain, instead of making distribution of the conquered territory, on the principle of an allotment to each in absolute property, of his due portion of the whole, and as the reward of his past services, chose to have it understood to be the price of future services also, he endued it with all the qualities of the soldier's pay. He meant that it should serve as a perpetual memento to the feudatory, of his obligation to his superior, and in doing this, he made it a memento of the obligations of the superior to him. The annual profits of the soil thus took the character of an annual military stipend, and formed the fund which supplied the necessaries of life to the soldier and his family. The least interruption in the enjoyment of these was equivalent to the withholding of the pay of the mercenary, aggravated by the difference between the open invasion, and the mere negation of a right.

The arbitrary maxim therefore which established the king in the factitious character of the sole, absolute and allodial proprietor of all the lands in the kingdom, was attended with this curious result. According to the feudal constitution, as established in England, the king seems at first to have been not only a military chief, and the head of the executive branch of the government, but the sole law-giver, and the sole judge. A more complete and compendious description of absolute despotism cannot be conceived. It presents a government in which all the rights of every member of the community were completely at the mercy of one man. Were wholesome laws necessary to protect the rights of the subject from the power of the crown, the king alone could enact them. Should such securities be granted by a just and humane prince, and afterwards violated by a successor of a different character, it was from that successor alone that redress must be sought in his own courts; while the command of the whole military force of the kingdom seemed his ready instrument to enforce all manner of injustice.

Such was the theory of the constitution, and to this theory, in many respects, the practice conformed. One only right was protected from this universal domina-

tion by the spirit of feudalism, and that was the right of property. The feudal ceremony of homage no more bound the inferior to the services due for his land, than it bound the superior to respect his right to it, and to protect him in the enjoyment of it. Interesting examples of the acknowledged sanctity of this obligation abound in the history of the time. When one of the earlier kings called on a great baron to show his title to certain lands, the latter displayed his sword. "My title," said he, "is the same by which the descendants of William the Bastard claim the crown of England. They cannot impeach mine, without invalidating their own." When Edward the Third, a prince in whose hands authority was as stern and cogent, as in those of any who ever swayed a sceptre, thought proper to charge with certain conditions a grant of lands which he had already made, he was admonished by his legal advisers, that he had no right to do so, inasmuch as this would be to invade a vested right. Whether satisfied of the reasonableness of this admonition, or no, he at least felt the necessity of acquiescing in it, and he did so.

The financial system of the feudal kingdoms appropriately illustrates the same principle. From that portion of the lands of the kingdom which the prince retained in his own hands, and which was cultivated for his own benefit, he is supposed to have derived the means of defraying his personal charges, and of rewarding his immediate personal followers and dependents. This fund was commonly sufficient for ordinary demands of this nature. For certain extraordinary expenses provision was made in the stipulations of the feudal contract itself. Thus on the marriage of his eldest daughter, or the knighting of his eldest son, he had a right to demand of all his subordinates, in proportion to their feudal possessions, a certain stated contribution in money. But here his rights over the property and purses of the people ceased, and, in all other cases, however important and urgent their nature, he was indebted for his supplies to their free and voluntary gifts. The power of war and peace were with him, and have so remained to this day, and should he determine

to go to war, he might lawfully command the personal services of every baron, knight and soldier in the kingdom. But the means of defraying the expense of his military enterprises were not at his command, and he was under the necessity therefore of holding in check his warlike spirit, until the people, animated by a like spirit, should consent to furnish him the necessary supplies.

There may be something in all this that looks like paradox. Yet history is full of analogous cases. What, for example, is so rigid and stern as military law? What obedience so perfect as that it exacts and secures? But this it owes to the mild authority of municipal law which it respects and upholds. Let the chieftain trample upon that, and we presently see that his authority over the soldiery must be maintained by largesses and license. In proportion as he domineers over civil rights is he obliged to truckle and make terms with the instruments of his domination. "There have always," say Macaulay, "been monarchies in Asia, in which the royal authority has been tempered by fundamental laws, though no legislative body exists to watch over them. The guaranty is the *opinion of the community where every individual is a soldier.* Thus the king of Caubul, as Mr. Elphinstone informs us, cannot augment the land revenue, or interfere with the jurisdiction of the ordinary tribunals." It is remarkable that these are the very same two things that the feudal sovereign could not do. And the reason is the same. "Every man was a soldier;" and any exercise of power, touching the rights of property, was an invasion of those rights which make up the soldier's stipend.

When we reflect on the military habits of the age, and the incessant wars arising out of the unsettled condition of recent governments, we shall see in this state of things enough to make the king, however absolute in form, anxious to cultivate the good will, and to deserve the favour of those on whom he was thus dependent for the means of indulging his ambition, and even of defending his throne. This might not lead him to do more than to endeavour to conciliate the barons,

to whom alone he would condescend to look for necessary aids. But we must remember that they were alike dependent on their immediate inferiors, and that through them a chain of like dependence ran through every intermediate rank down to the lowest members of that superior class, which, in the character of conquerors, domineered over the subject mass of the conquered. It is curious thus to trace the perfect catenation of those two long lines, by one of which the mandate of authority was sent down from the highest to the lowest, while along the other the voice of petition, expostulation, or remonstrance came up from the lowest to the highest in tones, less authoritative indeed, but hardly less prevailing. It will be my business hereafter to show you, how by means of this double relation, concessions from authority were, from time to time, obtained. You will see that, though reluctantly granted, they were always granted peaceably, and that in effecting all the change from the severest feudal despotism to the present mixed government of England, no blood was shed, no blow was struck, and, with a single exception, no sword was drawn in the cause of freedom.

More of this hereafter. At present I would avail myself of the impression, which, I trust, what I have been saying has made upon your minds, to enforce the remark with which I introduced it. You will remember that I said, that I should often have occasion to remind you how often causes are found to work effects exactly the opposite of those to which they seem to tend. I now say to you frankly, that it is only by attending to this that I can hope to lead you clear of that fatal error which has caused the failure of so many experiments on free government. If I am right in this, it will follow that the science of government is any thing but that simple study which so many among ourselves fancy it to be. I am sensible that in this remark I may but add one more to the many discouragements to the hopeful study of political truth with which these lectures abound. By a different course I might make them more popular, and by none more so, than by echoing throughout the vain and delusive declamations

which you may hear from every demagogue. It is certainly not my wish to discourage you. But I am not therefore to deal uncandidly with you, and cheat you into a hope, that what has heretofore eluded the researches of the wisest men of all ages and countries, will spontaneously disclose itself to our enquiries. I have no right to offer you any such fallacious encouragement. I must content myself with showing you the causes of this universal error, and teaching you to avoid them.

That wise and good men have often been engaged in the task of devising such form of civil polity, as might best secure the freedom and happiness of their respective countries, is undeniable. That, to themselves, and to others, they have often seemed to succeed, is equally certain. But what is the history of the human race, but a history of the failure of all these schemes? Our own experience—what is it? That of an experiment in its first trial. That of an infant government, promising indeed, and hopeful, but of which the destiny, like that of all which have gone before it, awaits the arbitrament of time. That the result may correspond with our hopes, is an object for which we all should labour; and it is, that we may act well our parts for the fulfilment of these hopes, that I speak, and invite you to hear me calmly and candidly.

In seeking an explanation of the remarkable fact that all the researches of political philosophy have heretofore ended in practical disappointment, we cannot fail to observe that all theorists have proposed to themselves the same end, to be accomplished (with a single exception) by the same means. These means have been tried, and these ends have been seemingly accomplished, and the triumph of successful experiment has been repeatedly proclaimed; but yet in every instance, this triumph has been followed by ulterior results, which leave the condition of man, everywhere, a subject of wildering perplexity to the mere theorist, and of sad and solemn reflection to the political philosopher. Has the end proposed been undesirable? No. Have the means been unwisely chosen? Who shall presume to

say so? Yet who can answer otherwise, without renouncing forever all hopes of freedom and happiness to man?

What then is the difficulty? Mainly this, as it appears to me. That while it is true, as we affirm, "that for a people to be free it is sufficient that they will it," no law-giver, but one, has ever addressed himself to the task of preserving, in the breasts of the people, the same paramount love of freedom, by which the triumphs of freedom are always first achieved. For trust me, gentlemen, in this same prevailing love of freedom, which, in comparison with it, accounts of ease, and luxury, and splendour, and even of life itself, are but as the small dust of the balance, is its only safeguard. "For a people to be free, it is sufficient that they will it!" Yes; and it is equally true, that no people can be free, who do not, in the same strong sense of the word, WILL *to be so.* In this, as in that above, which is of more importance than freedom, the will is the master of our destiny. To that strength of will which would "take the kingdom of heaven by violence," the gates of heaven itself spontaneously open. But what will? The will that does but prefer eternal happiness to eternal misery; or that which unhesitatingly renounces sin and all its alluring blandishments, and accounts of death itself as nothing but the dark portal which opens on the realms of light. What will is that which wins freedom, or secures the prize when won? The will that decides upon the colour of a garment, or an article of food; which fixes the choice between two horses, or even between a blue eye or a black one in woman? Can it be to such slight and frivolous exertions of volition, that our maxim means to ascribe an energy, which shall burst the fetters of the tyrant, and topple down the strong-holds of his power? No, gentlemen. It is to be understood, in the same sense, in which it is said, that he who is indifferent to life holds the life of his enemy at his mercy. He, to whom this world and all its joys, and all its honours are but dross, in comparison with that holiness, without which no man can see the Lord, is already holy. He who chose wis-

dom, in preference to beauty, and strength, and wealth, and power, and grandeur, was already wise; and the people to whom the allurements of ease and luxury, and splendour, are without temptation, and death itself without terror, when encountered in the cause of freedom, that people is already free.

In this sense, freedom *is* an affair of the will, and government *is* a matter of choice. But that choice of freedom, which does not prompt to the sacrifices which freedom may demand, prevails no more than the desire of wealth in the sluggard, who shrinks from the toil necessary to earn his daily bread, or the vain wish of the voluptuary for a place in heaven, which is nothing more than a wish to prolong throughout eternity the sinful pleasures of this life. To such lazy preference nothing is promised in this world or the next.

In this sense, freedom is not a matter of choice. The singleness of purpose, the strength of will, on which the *acquisition* depends, are hardly less necessary to its *preservation*. When these have spent their force, and ambition, and avarice, and the love of pleasure, and the love of display, have gained the mastery of the heart, freedom no longer exists, except by sufferance. *While her forms can be made instrumental to the purposes of tyranny*, the *forms will be retained*, but the *substance* of freedom is already gone.

The great and fundamental cause of so much disappointment to the hopes of freedom in all ages and countries, is to be found here. We overlook the difference between the will which won the prize, and the will which does but only not reject the inheritance: between the enterprising father who heaped up treasures for his son, and the spendthrift heir who prizes but that he may waste them.

In view of these considerations, it hardly seems too much to pronounce, as a political, as well as a moral truth, "that the seat of freedom is in the mind." Where the love of freedom *for its own sake*, is the master feeling of the heart, and the main-spring of action, freedom is ever found. When this has given place to an inglo-

rious sloth, no form of government that the wit of man can devise, can tempt her to remain.

If these thoughts be just, do not they err who consider the science of government as an affair of forms? And may it not be, that the signal failure of all experiments on free government results from a disregard of the proper means of preserving in the people that love of freedom which first made them free? Gentlemen, this is but too true. Government is not an affair of mere speculative choice. It is the creature of circumstances; and it is only so far as man is the *author of his own character*, and of the *circumstances which surround him*, that it depends on him to decide, whether he shall live under the regulated discipline of self-government, or be subjected to the arbitrary authority of another's will. Let his mind be thoroughly imbued with the spirit of freedom, and despotism itself will truckle to it. Let him be sunk in sloth, enervated by luxury, devoted to pleasure, and infatuated by a passion for splendour and display, and all the forms of free government are but the instruments by which he renders an active compliance to the behests of power. The prevailing character of a people has been likened to the kernel of a nut, which the shell does but protect from external influence, while it yields insensibly to the expansive growth of the germ within. It may be better likened to the shell-fish, whose soft and yielding substance gives form to the harsh and impracticable material that clothes it, and throws it off as soon as he outgrows it.

In the first part of this lecture, I laid before you the picture of a government, the forms of which were according to the very *beau ideal* of despotism. But what did you see there? You saw a body politic of which the lowest class placed in juxta-position to the degraded remnant of a conquered race, were continually reminded by the view of servitude of the value of freedom. Contrasting themselves with others in whose abject lot *no* rights were recognised, the *single* right which was allowed to themselves became more precious; and the profession of the soldier, for whose subsistence the toil

of servile hands was employed, assumed the aspect of something liberal and noble. The spirit of servitude can never enter deeply into the heart made haughty by the habitual exercise of unquestioned and inherent authority; and a total exemption from humble and laborious occupation engenders a pride which ever chafes against control. In these circumstances alone we see enough to nurture a spirit with which power, however absolute, must be content to temporize, and which injustice must be careful to conciliate.

A single right, to him who has no more, is more important because he has but one. It is guarded with more jealousy, and defended more fiercely. It gives occasion to controversies with superior power; and where, from any cause, that right is deemed a sacred thing, it secures, in all such struggles, the triumph of the inferior. On all such occasions the spirit of resistance to oppression acquires vigour, and the possibility of like success in the vindication of other rights immediately occurs to the mind, awakening new hopes, and higher views, and bolder thoughts.

In addition to this, let us never forget that the subordination, so strict because it was military, was the subordination of a soldier. His tasks of duty had nothing in them to degrade; and were of a nature to keep his mind familiar with danger. His life, whether unresistingly fulfilling the commands of his superior, or struggling against his power, was alike a life of danger; and in deciding for himself on the necessity of asserting his rights by force, he took no "counsel with cold fear." The transition from submission to resistance, was not a change from ease and quiet, and security and luxury, (for to all these he was a stranger,) to the dangers and hardships of the field. Human nature may well blush to acknowledge, how large a portion of the wrongs "that patient merit from the unworthy take," are borne from the influence of no other feeling but that of fear. The feudal soldier, if not a stranger to fear, was placed in a situation where the road to security often lay through the midst of peril. To be chary of his life was to lose it, and he thus became familiar

with the thought, that we must sometimes pluck "the flower safety" from amidst the thorns of the "nettle danger."

In all these particulars we see causes which must engender and keep alive a spirit ever ready to strive with power for right. That it did so strive, and that the struggle was ultimately successful, we learn from history, which establishes fully the truth of the poet's maxim,

> "That Freedom's battle once begun,
> Bequeathed by bleeding sire to son,
> Tho' often lost, is ever won."

How this triumph was achieved, we shall enquire in the next lecture.

LECTURE VII.

In comparing the present with the original condition of those governments which had their rise in feudalism, nothing more forcibly arrests the attention, than the change which time has made in the feudal aristocracy. In the primitive constitution of each government, the whole community seems to have been made up of parts, each precisely similar to the other, and similar also to the collective whole. Just what the king was to the great barons, were these to such of the lesser as belonged to their respective seignories, and then again to those subordinate to them, down to the simple knight and his few followers. The tenure of property was in every case the same; the duties of the inferior to his immediate superior the same; the power of life and death was alike exercised; at first, to enforce these duties in extreme cases, and the ordinary penalty of forfeiture for infidelity or the mere failure of feudal duties was annexed as a condition to all grants of land. Each lordship thus constituted in itself a sort of petty sove-

reignty, the authority of which was held to excuse in the subordinate all offences against the higher authority of the king, committed in obedience to the commands of his immediate superior. Hence we find that in the close of civil convulsions, when the sword of justice came to finish the work of war, the penalties of the law fell only on the great chiefs of each insurgent barony. Their inferiors, as soon as the game was played out, retired peaceably to their homes, and remained in perfect security from the vengeance of the crown. Their complete subordination rendered them, in fact, as much incapable of legal guilt, as the horses they rode, or even as the swords they wielded. They had indeed but done their duty, which was to follow their feudal leader in his wars against all his enemies. The justice of his quarrels, and the nature of his obligations to others, whether high or low, were not to be discussed by them. Wherever their chieftain's banner floated, it was their business to be found fighting; and to charge this on them as a crime would be to impeach the very fundamental principle of all feudal authority.

The result of this was, that, betweeen the king and the lowest feudatory in the realm, there was no *immediate* relation of authority and duty. The royal authority could only reach the common soldier through the long chain of dependence which united the latter with the knight, the knight with the lesser baron, the baron with the great earls and dukes, and these last with the king.

All this is now changed. The authority of all the intermediate classes over those below them has entirely disappeared, and instead of that the voice of the law speaks alike, and in the same tone, to every man, both high and low, rich and poor. To the king, as the head of the body politic, and the minister of the law, all are alike responsible. No man can plead the authority of any other in excuse for any act, nor has the first peer of the realm a right to command the obedience of the humblest labourer, except in virtue of some contract for service, and even this the law declares void, if it

requires anything inconsistent with the duty of the party to the crown.

Another change, the necessary consequence of this, is equally important. At the same time that the authority of the king has been brought to bear upon the lower orders, that which he formerly exercised over their superiors has been extended, strengthened and confirmed. And this of course. In losing their authority over their inferiors, the barons lost all means of contending with that of their superior, and felt themselves constrained to submit to him in all things sanctioned by law. It was presently seen that the well being of the body politic required that the whole civil conduct of each individual should be brought under the control of this general power. Thus it has come to pass that the general law of the land is the one authority which all are alike bound to obey; that the king, its minister and agent, speaks in its behalf in the same tone of power to all; and that, under its protection, the peer and the peasant are alike secure in the enjoyment of their rights, however unequal in themselves these rights may be.

Should we not expect that the laws by which changes, so thorough and important, had been effected, would be traced in capitals in the code of the kingdom? Should we not expect that the history of the struggle by which power was wrested from the hands which formerly wielded it, and transferred to another, would be written in characters of blood? It may awaken a feeling of surprise when you are reminded that neither of these is the case. The change has been effected entirely by concessions for the most part tacit and voluntary, and by usurpations quietly acquiesced in. Some of the positive enactments which have been mainly instrumental in producing it, are such, as, to the careless observer, have nothing political in their character. For the most part, it was on the rights of property alone, that they were intended to act, and their authors themselves were, perhaps, not aware of the intimate connection between laws of this sort, and the working of government, however constituted. I am afraid few

among ourselves are as sensible of this as we should be. I am afraid that, in warring against the imaginary aristocracy of wealth, there is a disposition to wage a war against the rights of property, by which all that is valuable in our institutions may be endangered. Of this I may say something hereafter. At present my business is to detect and explain the principles by the action of which these changes were effected.

There are certain feelings of the human heart, of the existence of which unfortunately all are conscious, though few are curious to observe the manner of their action, and the objects against which they direct it. I speak of the feelings of envy and jealousy. The first rages against all above us. The other is impatient of equals, and looks down in angry and uneasy scorn on all below. But of all men, who is the most prominent object of our envy? He who walks directly before us in our path, and on whose heels we tread. And who is the especial object of our jealousy? He who follows in the same path, and treads on *our heels*. To these two, then, we present, so long as we hold that relative position, a common object of aversion, and a temporary bond of union. Against him who is thus placed between them they make common cause; the one tugging at his skirts, the other recalcitrating with all the bitterness of offended pride. The man who walks on foot envies him who rides on a miserable hack, who, in turn, envies all who, better mounted, pass him on the road. The good wife who jogs to church behind her husband, envies her neighbour who rides in a gig; and she, exposed to the scorching sun, spitefully remarks that "she might be as fair as Mrs. Such-a-one, who travels in a coach, if she could afford to think herself too good to let the sun shine on her, or the wind fan her cheek." You have all observed this, and you may have remarked that this splenetic feeling is most apt to display itself, on the subject of some advantage so trivial, that he who envies, affects to despise it. "If it were not for the name of the thing," says the pedestrian, "I would as lief walk, as ride such a horse as that." So we go, disparaging what we covet, and especially delighting

to vent our spite against those objects which we can disparage with the greatest appearance of sincerity.

This which is true of individuals, is yet more true of classes, the members of which countenance in each other this unamiable disposition, and by their concurrence in expressing the same sentiment, give it something which is mistaken for the sanction of public opinion. It is with each other that members of the same class mainly associate, and that which we hear from all with whom we converse, passes with us for the opinion of the world and undisputed truth.

The disposition of men to classify themselves, and to engender, in each class, an *esprit du corps*, needs no prompting. But in the feudal system classification was established by law, and that on principles creating in each separate class a fixed common interest, which engaged its members to act in concert against the class next above it, and another, which, in like manner, secured the co-operation of all against the class next below. At the same time there was a principle of union running through the whole, as the rights and wrongs of all the classes, each in its several place, depended on the exercise or abuse of the pervading principle of feudal subordination. A relaxation of this in one part, was alike a relaxation in all below.

Should the great baron desire to obtain for himself any immunity from the king, he could not do so, but on principles which would demand of him to permit the same advantage to his immediate subordinates, and to require of them a like indulgence to all below them. Ambition in the great thus became the handmaid of liberty; and the great chieftain who should venture to take up arms to procure an extension of his privileges, would best secure the co-operation of the inferior classes, by an assurance that he was ready to communicate to them all that he demanded for himself. Their wishes would be with him for their own sakes; and at the same time there would be no considerations of prudence to restrain them. We have seen that the sort of sovereign power exercised by each chieftain over his subordinates, emancipated them from all responsibility to the para-

mount power for acts done in obedience to his commands. The pains and penalties of treason were for him alone. Almost in our own time it has been seen that the spirit of clanship in the Scottish highlands was for the first time broken down by the consequences of the fatal battle of Culloden. "The butcher Cumberland," not content with bringing to the block the heads of the leaders in that insurrection, struck also at their humble followers, who were treated as criminals for acts done in obedience to the only authority they had ever known. A few examples of this sort completely undeceived them. Until then, when their chieftain lost his life, they saw that it was only what had sometimes happened to crowned heads. They cherished vengeance in their hearts, and trained up his son to execute it. But so long as they found that their leader stood between them and all legal responsibility, and that his blood was their sufficient ransom and atonement, so long their loyalty remained unshaken. While this was so, the vassal in following the banner of his chieftain had everything to gain and nothing to lose. The perils of the field were all he encountered, and these habit had taught him to despise, and had even made the excitement of danger, in a measure, one of his luxuries of life.

In this state of things, you will see enough to account for the turbulent and insurrectionary character of feudal governments. You will see too that this character would prevail in a degree proportioned to the rigour of the system, while every relaxation, by leaving less to struggle for, would render struggles less frequent. This I am sensible is not the effect of concessions generally, for it is commonly seen that every privilege surrendered by power, does but invite to farther demands, which are pushed, with increasing eagerness, until all is gained that can be asked. But the feudal system provided a check for this wanton spirit, which makes the removal of real grievances, only a foundation of complaint against those which are imaginary. When the great baron saw that he could not insist on any thing for himself, without surrendering to his infe-

riors as much as he wrung from his superior, he would regulate his demands by the actual experience of evil and not by the suggestions of his own caprice. Hence in general nothing would be changed that did not work badly, and the redress of all grievances which were felt to be intolerable, would be demanded with that unanimity to which nothing can be denied. In this we see the cause of that slow, but steady and sure progress of reform which makes the great body of the political history of the English nation. This has seemed to many the result of a constitutional peculiarity in that people. Is it not rather the result of their peculiar circumstances? At first, I have no doubt it was so. The causes in which it originated have long since ceased to exist, but the habits of thinking and acting, formed under their influence, remain to this day.

It would seem then that in the arbitrary character of the supreme power itself, and in the very energy of the machinery by which it was exerted, there was something which made it precarious. The situation of him who wielded it was full of danger. The throne of his power, like the chariot of the sun, was high and splendid, but perilous and difficult. Its strength was in the fierce and fiery character of those who by turns guarded and assailed it, and it was not given to every ruler

> ——————————— "Ignibus illis
> Quos in pectore habent; quos ore et naribus efflant
> In promptu regere."

The feudal sovereign was like the Tartar prince in the oriental tale, who rode to battle on a royal tiger. While he could direct the powers of this formidable charger against his enemies, he was irresistible; but let the trembling rein betray either weakness or fear, and he himself became the victim of the instrument of his power.

Thus circumstanced, a feudal king would see the necessity of contriving some means of security from a danger so formidable. Against the great feudatories, the rivals of his authority, he would endeavour to fortify himself, by obtaining some hold on their inferiors,

with whose aid alone they could act against him. But what hold had he? They feared him not; for we have seen that the law of treason had no terrors for them. It was therefore only through their affections that he could hope to reach them, and these he would solicit by such privileges and indulgences as it belonged to him to grant, and by lending his influence and authority to the support of their pretensions against their immediate superiors. This therefore he would be sure to do, and in doing so would confirm and extend his own power. For, I beg you to observe, that relaxation in the severity of feudal exactions commencing in the lower orders of the system, would not extend themselves upward; while those originating between the king and his immediate subordinates would, as we have seen, work down to the very foundations of society. Concession from them to their inferiors was the very condition of their co-operation in obtaining concessions from the crown: while advantages obtained from them by the resistance of their vassals, aided by the authority of the throne, would establish a bond of union between the king and people, and transfer to the hands of the sovereign much of that influence over the inferior classes, which had previously belonged to the intermediate authorities. Looking narrowly to the operation of these principles, you will see that their uniform tendency would be to the result that was in fact produced. They would gradually and surely elevate the lower classes, and extend and strengthen the power of the crown, bringing it, in the end, to act with equal directness and equal force upon all alike.

The same result was yet more promoted by another cause, which gave to all the concessions of power the forms and stability of law. Relaxations of authority obtained from fear or favour, might cease, when the danger had gone by, or when the reins had passed into a stronger or a sterner hand. Not so when they had taken the shape of positive enactments, and confirmed by charters and by oaths, had become a part of the constitution itself. How this was effected, I proceed to show.

You will remember, that, in the beginning, the king appears to have been the sole lawgiver, and we look in vain through the feudal constitutions for any limit to his authority, besides that which was found in the acknowledged sanctity of the rights of property. If any other right was secure from invasion, it owed its security to public sentiment, or to some real or supposed analogy to the right of property, rather than to any positive law protecting or recognising it.

The king himself was not only the head of the system, but, in virtue of lands not granted to feudal followers, but held by himself, and cultivated for his benefit by husbandmen of the conquered race, he was also the wealthiest and most powerful of the barons. But at the same time the charges attending on his royal state far exceeded theirs; and the number of dependents who fed upon his bounty was greater in the same proportion. His personal revenues therefore could not be expected to be more than equal to his personal wants, and for all funds necessary to the performance of his kingly duties, he would depend, as we have seen, on supplies to be furnished by the community. But how were these supplies to be obtained? He was indeed the sole lawgiver; but even this high function he exercised in subordination to the one great principle, that the property of even the humblest individual was beyond the reach of authority, and could not be touched without his free consent. Every occasion, therefore, which demanded extraordinary pecuniary resources, threw him on the charity or the public spirit of his people for supplies. But let these supplies be demanded for the prosecution of a war, or any other expensive measure which was decidedly unpopular, and a refusal was a matter of course. Such occasions would often admit of no disappointment, and he would find himself under the necessity of tasking his invention to devise means of conciliating those to whom he applied for aid, and proposing equivalents for the boon he sought. They, on their part, would see their advantage, and would be ready enough to assist his invention, by laying their grievances before him.

It would follow then, that when the barons of the realm were summoned to attend the king, for the purpose of receiving his applications for needful supplies, they would prepare themselves to echo his application with a representation of their wishes. Such representations would soon take the shape of bills prepared by them for his approbation, and requiring nothing but his fiat to give them the force of law. Cases of this sort were often of annual recurrence, and, in every instance, the non-compliance of the king would be followed by a refusal of all supply, unless indeed the public spirit and excited feelings of the community should induce them to forego their wishes sooner than to sacrifice the honour or safety of the nation.

Still occasions must occur in which they would have no reason to fear a denial of their wishes, however unreasonable, and we are left to wonder that the frequency of these did not speedily strip the crown of all its powers. The reasons why this did not take place were twofold. The great barons were jealous of each other, and among them there was always to be found some one whose extensive resources and soaring ambition might make his fellows anxious to uphold a throne, on the ruins of which, he stood ready to erect a power not less formidable, and far more odious as being that of one lately an equal. Another and more prevailing reason might be found in a consideration already adverted to. The king was the keystone of the feudal arch. In him the principle of feudal authority was embodied, and the barons necessarily felt that they could not rashly shake the foundations of his power, without endangering their own. All the concessions extorted from the crown would furnish precedents for the demand of similar concessions to their own vassals; and they were therefore careful not to ask too much. Hence they rarely complained of any but actual grievances, nor demanded any measures but such as were salutary to all parties.

But the very moderation of their demands did but make the change in the frame of the government more certain, and perhaps more rapid. By making it safe

for the king to ask their advice and consult their wishes, it became a matter of course that he should do so. It would follow that they would be encouraged to prepare and lay before the king such statutes and charters as they might wish him to sanction; and the transition would be easy from passing all laws demanded by them, to passing none that they did not approve. Their approbation could only be expressed by proposing them, and their propositions being generally the foundation of all changes of the laws, the statutes of the realm would soon take the form of enactments made by the king, not *ex mera voluntate sua*, but by and with the advice and consent of his baronage. We find accordingly that about the time of Richard the Second, soon after the conquest, they did assume this form. Instances of the same sort sometimes occurred before. Magna Charta was one. The public records do not go back beyond the time of Richard of the Lion heart; and an event occurred in his time which was probably mainly instrumental in establishing the power in question.

We must be sensible, that, all this time, the king would not be without some misgivings at the ultimate result of such encroachments on his authority. He would eagerly desire to devise some other means of supply, and, if possible, to find or create some counterpoise to the formidable and growing power of the barons. To accomplish both these objects by the same means, would be an achievement. The means accordingly were sought and found, and the end was accomplished. I proceed to explain this.

Among the unquestioned prerogatives of the king was that of establishing borough towns on his own domains, and granting charters of incorporation and corporate rights to his own retainers and tenants. The exercise of this right in favour of associations of artisans and merchants, might be often highly beneficial to them. Those who did not hold of the crown were afterwards admitted into these associations. Among other advantages obtained by this, and not the least valuable, would be the exemption from all dependance on the power of the barons. To secure themselves in

the enjoyment of this exemption, they found it expedient to collect together in numbers sufficient for their common defence, and often to fortify their little community by walls. The advantage of pursuing thus, in perfect security, occupations always gainful, while the cultivators of the soil, and all others not enjoying the same advantage, were continually exposed to outrage and plunder, was too great not to be eagerly desired. The gratitude of those on whom it was conferred would display itself in liberal contributions to the necessities of the crown, and would be perpetuated by the necessity of continually looking to the king for his protection in the enjoyment of the privileges he had conferred. This he would be always ready to afford, as well from pride as policy; and the permanent connection between the throne and the various municipal incorporations of the kingdom, would constitute a formidable obstacle to the encroaching and usurping spirit of the barons.

But the great advantage which the king derived from these establishments was found in their readiness and ability to supply his wants. Pacific in their feelings, sober, industrious and frugal in their habits, and exempted by the humility of their station and the insolent jealousy of the barons from all temptation to the extravagance of display, and the public ostentation of wealth, they quietly pursued their gainful occupations behind the shelter of their walls, fortified by the ever ready protection of the crown. These considerations soon pointed them out as a class capable of ministering largely to the necessities of the state, and therefore worthy to be consulted in the management of its affairs. Thus, whenever occasion made it necessary for the king to call upon his barons for counsel and supply, the inhabitants of the most opulent cities and trading towns were also invited to send deputies to the assembly, duly authorized to express their wishes and to give away their money, or, in other words, to barter so much pecuniary aid for so much political immunity.

A moment's reflection will convince us, that, from the first, these deputies would be excluded from the

assembly of the haughty barons, and would be left to consult together as to the measures they might be inclined to suggest, and the supplies they were to furnish in return. The pride of blood, and jealousy of the newly acquired importance of a class so long insulted and trampled on with impunity, would alone be sufficient to produce this result. But when we reflect, that, in the beginning at least, their petitions and remonstrances would be offered on behalf of rival and conflicting interests, we shall see that this consequence was inevitable. If acting together, they could rarely be expected to coincide in their wishes. If separated into two houses, the king might drive with either the best bargain he could, and, except in extreme cases, his co-operation with either would render the compliance of the other unavoidable. The political power of the crown, backed by the wealth and numbers of either party, would be too strong for successful opposition. At the same time, should both houses happen to concur in the same demand, and make the compliance of the king the indispensable condition of supply, his assent to their demands could not be safely withheld. This would the more surely happen, because the coincidence of two rival interests in the same views, could never be expected but in cases where they were palpably just and reasonable. The consequence was, that the concurrence of two of the three estates of the realm, would rarely fail to secure the acquiescence of the third. The harmony resulting from this being highly desirable to all parties, they would habitually seek to come to a right understanding among themselves. But as the forms of the constitution still contemplated the throne as the seat of power and source of authority, and the sanction of the crown as a thing to be solicited, not demanded, no better plan could be devised for bringing before the king the common wishes both of peers and burgesses than bills prepared in either house, and discussed and modified between the two, until made acceptable to both.

It seems that about the same time that the boroughs became so important as to be invited to send deputies

to parliament, another class of men rose into a consequence not at first belonging to them. I mean that class of feudal land-holders below the degree of barons, and not holding immediately of the crown. As the power of their immediate superiors sunk before the united force of the king and burgesses, they found occasion to extricate themselves from many of the rigorous restraints of feudalism, and of course to make considerable advances in the universal pursuit of wealth. I have already pointed out the principle which would secure to them the co-operation of the crown in all their struggles with the barons. Grateful for this, they too would be disposed to give freely of their substance to the support of the power under whose protection it had increased. Hence the freeholders of each county or shire were invited to depute two knights to attend the king in his parliaments, authorized to represent the wishes and to give away the money of the whole. In the selection of these, land-holders, not of the degree of knighthood, were permitted to concur, and thus the parliament at length contained the representatives of all the property of the kingdom. Those deputed by the shires belonging to the same order with the deputies of the boroughs, and bound to them by a common jealousy of the power of the barons, were consigned to the lower house, constituting what is now known as the house of commons. The parliament thus comprised the three estates of the realm, in full assembly; the king and peers being present in person, the commons by their representatives freely chosen. The concurrence of all three became necessary to the enactment of every law, and the legislative power, before exercised by the king alone, became vested in the king, lords and commons, acting in unison.

The remarkable fact is, that this change was effected without any legislative enactment whatsoever; that it was made without a struggle; and that the transition was so gradual that the most curious and learned antiquaries have sought in vain to trace it. We can only see that in the preambles to the statutes enacted under successive kings, the language used is more and more

complimentary to the inferior orders, and imputes to them more and more of authority in the enactment of the laws. Yet it is indisputable, that down to the late reform in parliament, there is no trace of any law requiring the presence of any individual there, either in his own right, or as the representative of others. The king, at the first, seems to have summoned to the house of peers only such as he thought proper, and, at this day, the record of these early summonses is the oldest and proudest patent of nobility in the families in which they can be traced. It does not appear, that, in summoning knights of the shires, he ever made any distinction; though it was certainly of his mere will and pleasure, that, while the little county of Rutland was represented by two knights, no larger number appeared on behalf of Yorkshire or Northumberland. As to the boroughs he certainly governed himself by no criterion but that of their ability and disposition to grant supplies. Those indeed who had been once summoned seemed to have a claim to be summoned again, which generally ripened into an established right; on the principle, I presume, that having contributed to the king's necessities, they had a fair claim to be consulted in his affairs.

This hasty view of the progress of the English constitution suggests many valuable reflections.

1. Eight hundred years ago, the government of that which is now the freest country in Europe, was decidedly the most despotic; and the change has been effected by the peaceful operation of the acknowledged sanctity of the right of property, which purchased the emancipation of every other right.

2. This result was aided by the mutual jealousy of the proximate classes, and the consequent co-operation of the alternate classes against the intermediate class. The effect of this was to raise the lower orders, to stabilitate and extend the power of the crown, and, at the same time, to mitigate its harshness.

3. We are enabled to account for the representation of those which have been called the rotten boroughs of the kingdom. Had they owed this to any known law,

that law would have been repealed when their wealth and population ceased to exist. But they owed it to the prerogative of the king, which could not be invaded. He had summoned their deputies at first to contribute to his wants, and he continued to summon them, because he found them convenient for another purpose, which I shall explain hereafter.

4. We see that, at first, property was the only inducement to the summoning of either peers or deputies; that the presence of the holders of property and their representatives was alone desired; and hence we learn how it was that property has been always considered as essential to the right to be represented in parliament.

The great and important truth, that we learn from all this, is that which I have already propounded. Causes acting on the elastic spirit of man often provoke a recoil which ends in results exactly the reverse of those which the direct operation of those causes would tend to produce. Primary action is slow, deliberate, reasoning and deficient in energy. Reaction is sudden, impetuous, uncalculating and irresistible. It is the great principle of destruction in the moral as in the physical world. Reaction gives energy to the fires of the volcano, terrible because pent up. Reaction is the political earthquake, which shakes down the strongholds of power, and scatters them in wide-spread ruin over the now smiling fields which the oppressions of power had wasted and made barren. This is the statesman's great lesson, and he whose eye is steadily fixed on the direct operation of political constitutions, looks away from the real danger, which, in his moment of fancied success, may bring destruction on all his hopes. That this truth is of universal application to all governments, it is the main purpose of these lectures to show. If I succeed in this, you will go away convinced of the danger of relying wholly on forms for the preservation of your rights, and properly impressed with the value of the maxim so often repeated and so little understood: "That the price of freedom is eternal vigilance."

LECTURE VIII.

I cannot dismiss the subject of the English constitution without some additional remarks. It is not enough to have shown the operation of the principles of feudalism in developing the principal features of that constitution. These principles, acting alone, ought to have produced the same results everywhere. It is not pretended that they did so. In France they broke down the power of the nobles, and extended, and enlarged, and strengthened that of the crown, without elevating the lower classes. In Germany they resulted in the establishment of the great barons in the character of arbitrary though petty sovereigns, and in the degradation of the inferior barons. The effect upon the people was the same as in France. Their condition was not improved; their political rights were not recognised; and the head of the empire became nothing more than the chief of a confederacy of kings, each ruling with undisputed and unmitigated sway over his own dominions.

These diversities show that other causes besides those I have noted, were at work in effecting the modifications which all these governments have undergone since the early ages of feudalism. By pointing out some of these which were peculiar to those countries respectively, I expect to account for some of these diversities. At the same time I shall perhaps add to the strength of the argument, already offered, and may be enabled to show that all which is common to each country, and much which is peculiar to England, were the result of the indomitable elasticity of the human mind reacting against the principles of feudalism.

From the insular situation of England, her wars were almost always wars of ambition. The Scotch were indeed troublesome neighbours, whose hostile temper and warlike spirit made the situation of the border counties precarious. But of these there were but two or three, whose safety was ever threatened by dangers proceed-

ing from that quarter. The rest of the kingdom had never anything to apprehend from the arms of Scotland, and all the general wars between the two kingdoms were undertaken without a view to the interests of the great body of the realm. Their object was either to chastise and avenge the wrongs of a remote and unimportant section, or to advance the pretensions of the kings of England to the Scottish crown. As to dangers from the continent, England rested secure from these behind the bulwark of the sea. Her early kings, too, were masters of wealthy and populous provinces in France, on the side next to England; and these provinces they continued to hold, until successive wars had taught the French to dread the power of their insular neighbour, and to expect nothing from their wars with her but hard and unprofitable blows. But these wars were frequent, and they are always wars of kingly ambition.

The condition of the continental states, was, in this respect, widely different. The nearly equal power of France, Germany and Spain, made each a dangerous neighbour to the other. In all their wars, one party or the other stood in necessary defence of all that men hold dear; and the aggressor himself was often actuated less by ambition, than by a prudent foresight, watchful to avert a future danger by anticipating it. In such wars all classes from the king to the peasant felt a common interest. Hence occasions would rarely occur, when the demand for necessary and extraordinary supplies would find either the nobles or the inferior orders in a humour to withhold them, or to lose time by making conditions with the crown. Concessions therefore would be rarely demanded and rarely made.

Let me here make a remark, which, in another place, I shall extend and enforce by argument and example. It is, that all wars have a tendency to increase the power of the executive head of government. This effect will be greater, in proportion as the war is popular, as it is necessary, and as it is in the defence or assertion of the safety or essential rights of the whole community. The efficacy of military operations depends on nothing

more than that concentrated energy, which cannot be exerted but by a hand armed with uncontrolled authority. The necessity of such authority in the sovereign is felt in a degree proportioned to the urgency of the danger, and men rarely hesitate about the grant of powers to be exerted, in the first instance, in defence of all that is dear to them. The wars of the continent would be more frequently of this character than those of England. They would consequently have this tendency in a greater degree, and this, uncompensated by concessions wrung from power, as the price of pecuniary aids, would soon make a great difference between the authority of English and continental kings. The effect would be to establish the latter in a power, not won from the nobles by the aid of the people, but independent of both. On the relation between the subordinate orders it had no effect, and hence the power of the crown was increased, without elevating the lower orders, or rendering the authority of the barons less arbitrary or less portly in its external aspect. On the contrary they gathered strength by various means, and single chiefs were often found defying the power of their suzerain, long after the authority of the crown in England was firmly established. Yet even here the very force they wielded reacted on themselves. Their insubordination often endangered the state, at moments when the public safety required that all the resources of the kingdom should be at the disposal of the king. Emergencies arose, when the feudal militia was found inadequate to the common defence, and men were prepared to acquiesce in the organization of bodies of regular and disciplined troops, to be placed under the absolute control of the crown. The necessity for these was first felt, when an effort was made under Charles VII. to expel the English from France. Here was the foundation of the arbitrary power of Louis XI. With the introduction of standing armies came new ideas of the rights of property. The king no longer felt the recognition of these rights to be indispensable to his influence over those by whom his power was upheld. The mercenary soldier sees no analogy between his right to

his pay, and the right of the landholder to the produce of the soil, or the right of the labourer to the earnings of his labour. The work of rapine and plunder never comes amiss to him; and a king, supported by an adequate force of this character, soon claimed the right to take, for the necessities of the state, those supplies, which he had before asked as a free gift, or purchased, by concessions to liberty. The introduction of standing armies into France, by adding energy to the military operations of that kingdom, rendered them necessary also to her continental neighbours. But the influence of this cause did not extend to England. She was saved by her insular situation from copying this dangerous example. Hence her monarchs never found themselves at the head of a force strong enough to enable them to invade the rights of property, and to fill the coffers of the crown by any means, except the grants of parliament. Charles I., mistaking his prerogative and his situation, made the attempt, which cost him his head. The principles, which he had invaded, were thus brought into bold relief, and, consecrated by the blood shed in their defence, acquired a sanctity, which preserves them at this day, when their origin is entirely forgotten.

The insular situation of England gave her advantages for commercial pursuits, which, at an early day, made them highly profitable to those engaged in them. The advantages of commerce communicate a spring to all the business of life, and increase the prosperity of all classes of society. Hence the commercial cities and great boroughs of England soon acquired an *opulence* known nowhere else but in Flanders. They thus hastened the emancipation of the king from his dependence on the barons, and furnished him, at once, with the means and the inducement to elevate the lower classes, and to degrade their superiors. The spirit of freedom accordingly showed itself sooner, and worked with more energy and boldness in these cities and boroughs than elsewhere. Had the Flemings been placed, like the English, out of the reach of any superior *foreign* power, they would probably have kept equal pace with

them, in the advance to freedom. But they were crushed by external force, while England, exempt from all dangers of that sort, steadily advanced to the establishment of a constitution, which, for a long time, was regarded by all European statesmen, as a model of political and personal liberty. In the history of her progress there are some particulars well deserving your attention, and to some of these I propose to call it.

I have more than once observed that government must necessarily conform itself to circumstances, and to none more than to changes in condition and character of the people. It is impossible that the same government which is best for a horde of poor and ignorant barbarians, can be best for an enlightened, refined, rich and luxurious community. The government which is made necessary by the vices of a people incapable of self-government, cannot be best for those who have learned to understand and appreciate their rights, and, having brought their passions under subordination to reason, and their self-love to love of country, need no restraints but the restraints of conscience, and no law but such as they impose on themselves. The government, which the precarious condition of the feudal kingdoms made indispensable to their safety, would, at this day, suit no nation under the sun. Even the government of the king, lords and commons of England as it stood in the reign of the Third Edward, could not now be endured for a day by the English people.

Yet, in name, the same government remains, and, until the late reform in parliament, its powers were exercised by the same king, the same house of peers, and the same knights of the shires, and representatives from the same cities and boroughs, some of which existed only in name, and in the constitution of the kingdom. Was the constitution then the same? By no means. Its forms remained. Was their operation different? Entirely. Let us then look into this curious matter.

Next after the character of a people, there is nothing on which the aptitude of their political institutions so much depends as on the distribution of property.

Where this is equal, where all men are found in the enjoyment of equal rights to equal things, there can be no pretext for any inequality of political privileges. The only advantage which can stand in need of protection from the law, is that of wealth. Superior virtue is an object of veneration and love, to which even bad men pay a willing homage. Superior talent is itself a sword and a shield to the possessor. The same is true of wealth to a certain extent. Up to a point not easily defined, it is a source of influence, which is rarely exerted except to effect the establishment of such a system of jurisprudence as secures the faithful fulfilment of contracts, and the peaceable enjoyment of the rights of all men alike. When it has passed that point, it too often renders the possessor vain, ostentatious, insolent, oppressive, and unjust, and sets him up as the object at once of envy and scorn, and marks him as the natural prey of rapacity.

That, in this situation he will stand in need of some special protection from the laws, is certain. Whether he will deserve it:—and, even if he do not, whether a due regard to the rights of others may not make it necessary to establish institutions which may shelter him as well as them:—What means would be best suited to this object:—and whether the muniments and safeguards, thrown around property, may not, in the end, invite and provoke the aggressions which they were at first intended to repel, are questions for the statesmen and political philosopher. It is not my intention to discuss any of these in this place. How they were decided in the country of our forefathers, and why they were so decided, is the subject now before us.

England was from the first, a commercial country; and it is of the nature of commerce to engender a scrupulous regard to the rights of property in its votaries. That unhesitating fidelity to engagements, which forms the basis of all commercial credit and commercial prosperity, will always turn a deaf ear to suggestions unfavourable to the sanctity and security of property. The importance therefore of providing for it some constitu-

tional safeguards was felt and acknowledged, as soon as the advancing prosperity of the country had produced its appropriate effect of increasing inequality in wealth. To devise these was the problem. A believer in constitutional forms might have proposed to raise the property qualification of the voter, or of the representative. This might do; but how was it to be accomplished unless those, who, till then, enjoyed the rights of suffrage, and of seats in parliament, should agree to vote their own disfranchisement? Others might have proposed that men of a certain estate should, as of right, be advanced to the peerage. But however the rights of property are entitled to respect, the possessors of it are not always respectable; and the far-descended pride of those who traced themselves to the victors at Hastings or Creci, would repel indignantly the claim of equality on the part of upstart wealth, wrung perhaps by extortion or fraud from their own necessities. Turn where you might, the attempt to provide peculiar political privileges for wealth, would be baffled by insuperable difficulties, arising from the envy of the less fortunate, the jealousy of equals, and the offended pride of real or imagined superiority.

But, in the advance of society, changes rarely come alone; and it seldom happens that men feel the want of some new political contrivance, without, at the same time, discovering that some old one has become superfluous. The statesmen of England seem to have been always ready to avail themselves of this; and they have rarely failed to work up the rubbish of such parts of the constitution as have fallen to decay, into new structures devised for the protection of new interests.

You will remember that the selection of those boroughs from which the king proposed to summon members to parliament, was made many hundred years ago. As his object at first was mainly, if not solely, to obtain supplies, it was anything but a privilege to be so summoned. It is indeed possible that, in the beginning, all grants, whether of peer or municipality, may have been acts of separate and individual good will. But when the application for these led to the demand

of political immunities by way of equivalent, the discussion of the nature and extent of these immunities would soon give to the assembled peers and deputies the character of deliberative bodies. Having to come to some agreement among themselves as to the laws to be proposed for the sanction of the king, they must also agree upon the supplies to be furnished in consideration of such laws. The obvious resort to a vote, would soon make the decision of a majority binding for both purposes. But so long as the political rights of the assembled peers and commons amounted to no more than a right to petition, it was obviously a matter rather desirable than otherwise to those who were summoned, that others should be summoned too. Accordingly there is no reason to believe that the selection was made by any other rule than that of the will and pleasure of the prince. But so soon as the right to petition ripened into a right to be consulted, and sometimes almost amounted to a right to dictate, it would follow that this right would be guarded with some jealousy. Those who exercised it once would claim to exercise it again, and might do so most plausibly, on the ground of aids already rendered to the crown. But it would soon lose all its value, if liable to be shared with any, whom the king, in order to secure a majority in his favour, might summon with that view alone. It appears accordingly, that at some time, which it is now impossible to ascertain, a limit was imposed in the discretion of the crown in this respect. Knights of the shires were first summoned by Simon de Montfort, whose strength was in his popularity with the lower orders. Something of the same sort occurred occasionally afterwards, but they do not appear to have been summoned as a matter of course until the 23 Edw. 3. Since then they have been regarded as an essential part of the parliament. Two points in the constitution then became fixed:

1. That all who had ever been summoned to the house of peers, and two deputies from every city or borough that had ever furnished deputies, and two

knights from every shire, had a right to seats in their respective houses of parliament.

2. That the number of knights should not be increased, and that no deputies should be summoned from any city or borough which had not already sent them.

On the right of the king to increase the house of peers by new creations, no limit was imposed; accordingly such new creations are made to this day, and one essential form by which the new peer is established in that character, is, as of old, a writ of summons, in which, in addition to his name and surname, he is designated for the first time by the new title of duke, marquis, earl, viscount, or baron. I shall not stop here to inquire why this prerogative of the crown is still exercised as formerly. Whatever the reasons were, they were not supposed to apply to the house of commons, and that house therefore for many hundred years consisted of the knights of the shires, and of deputies from the same boroughs and no others. The rise of new marts of commerce, and the establishment of great manufacturing towns, which had no representation, seemed strangely in contrast with some of the privileged boroughs whose prosperity, wealth, and numbers had passed away. Of one of these it was truly said, "that the representatives were more numerous than the constituents, that the streets could be only distinguished by the colour of the corn, and that the only manufacture was that of members of parliament."

But this grotesque disproportion, though the subject of a standing reproach against the structure of the house of commons, was necessarily borne, because the forms of the constitution afforded no remedy. To the king alone it belonged to summon members to parliament, and his faculty of summoning members from boroughs previously unrepresented, was supposed to have long since exhausted itself. Hence Birmingham, with her manufactories, her wealth, and her swarming population, necessarily remained unrepresented. On the other hand the right of those boroughs which had been immemorially represented, to be represented still, was

not to be questioned. So long as elections were held, and members returned by votes lawfully given, there was no authority to enquire whether those votes were few or many. One was enough, and hence the borough of Old Sarum continued to send two members to parliament by virtue of the single vote of the proprietor of the spot where once that borough stood. There were many others in the same condition, where the proprietor was in the habit of returning, by his own fiat, himself and any friend with whom he might think fit to share the representation. The right to do this became a source of profit. In many instances, doubtless, the seat was bought. In all cases it would be in the power of the proprietor of such a borough to purchase the favour of the crown for himself or his friends, by furnishing a seat in parliament to any one whom the minister might wish to introduce. But besides this, wealthy men, actuated by that false ambition which is content to occupy posts of honour, though the post itself be degraded by the demerits of the incumbent, would often be eager to secure to themselves a seat in parliament for life, and to transmit the same in their families, at the price of a few thousand pounds.

From these causes these close boroughs, as they were called, soon acquired a market value, over and above the intrinsic worth of the property, as so much land. This value increased in proportion to the increasing numbers and wealth of those who desired to appropriate them; or, in other words, in proportion to the increasing disparity in property, and the consequent accumulation of wealth in a few hands. The consequence was, that, in the end, the price rose to such a height, that none but the very wealthy could afford to hold them. These, of course, constituted themselves the representatives of the peculiar interests of the monied class, and thus that interest obtained a place among the orders of the state, and a voice in its councils, just at the moment when the necessity was felt of providing for it some extraordinary securities. It was indeed but a small representation, but the interest it was meant to guard was too important to be committed

to the hands of inefficient representatives. The proprietor might indulge his vanity by returning himself as one, but he made amends for this, by selecting, as his associate, some man of distinguished ability, of his own party, who might otherwise never have obtained a seat in parliament. To this very borough of Old Sarum the people of England owed their knowledge of the merit of the celebrated lord Chatham. Mr. Canning, (the first man of his day,) is said to have been brought forward in the same manner. When the injustice of the people of Bristol rejected the services of Mr. Burke, and the caprice of the voters of Westminster drove Charles Fox from parliament, they were both restored to the councils of the nation by the same means.

Another political structure was, in like manner, erected out of the ruins of decayed boroughs. The rise of the inferior orders gave them a consequence which threatened the prerogatives of the crown. A safeguard for these was sought and found. The king, you will remember, was, in early days, the greatest of the barons of the kingdom; and in those places where his baronial estate lay, he governed with unbalanced power. The inhabitants of boroughs within these estates were his *tenants in capite*, having a right to be present at every assemblage of his vassals as *pares curiæ*, either in person or by deputies. It was here that the idea of representation took its rise. Moreover his object in summoning deputies to parliament was to obtain supplies, and he would therefore be most apt to select these among his friends and dependents. Hence he was sure to summon deputies from all those boroughs, over which his baronial authority gave him a controlling influence. The king, for example, was duke of Cornwall, and hence we find that that county had a representation in parliament, from its different boroughs, of about thirty members. These were always subject to the influence of the king, and, in such of them as had fallen to decay, that influence was decisive. Here then was a peculiar representation in the house of commons contrived to fence the prerogatives of the crown, against

the encroachments of other interests. This representation too was small, and therefore the more select and efficient. The ministers of the king are necessarily members of parliament, and this representation secured him the command of the services of every man in the kingdom, who might be willing to take a place in his councils. But for this, the caprice of a single county or borough might have deprived him of the choice of his minister. But for this too, he might wish in vain for the support of some able man in the house of commons to explain and advocate his measures there.

I shall have occasion to refer to this subject hereafter, for the purpose of explaining one point in our own constitution, which, I think, is much misunderstood. I have therefore given this slight sketch of the nature of what have been called the rotten, and the royal boroughs, because this seemed the proper place for it.

But I had other reasons. For a long time, the English constitution was considered as the most curious and interesting study of the political philosophers. It seemed to be thought, that, in the other kingdoms of Europe, the causes, which modified their primitive feudal constitutions, had been left to work their own results, uncontrolled by any considerations drawn from the teachings of philosophy. Passion was left to do its perfect work, unchecked by these, and the oppression of the multitude, the plunder of the rich, and the degradation of the great have been the alternate consequences, while, in each extremity, and in every mutation, wisdom has been derided, virtue dishonoured, and happiness destroyed. The triumphs of freedom were celebrated by anarchy and misrule; the restoration of law and order, by tyranny and oppression; while the boldest asserters of the one, and the mild, calm advocates of the other, alternately fell beneath the sword of the common executioner.

While this was passing on the continent of Europe, the operation of similar causes in England was seen to bend in some measure to the influence of the maxims of political philosophy. There, as elsewhere, struggles took place, and convulsions often shook the whole fabric

of government to the foundation. But among that people there seemed to prevail a cautious temper, too wise to oppose directly the tempestuous course of the different elements of society, as, one by one, they broke forth, as from the cave of Æolus, and swept over the wasted land. They waited till the blast had spent its force, and then, calmly surveying the ruin, they betook themselves to the task of selecting the objects most susceptible and worthy of repair, and turning to the purpose of new and useful structures, the very fragments of all, which was given up as irreparable. The particulars of which I have spoken may be taken as examples of this. But there remains another view of these, more curious and interesting, and even more important, than that which I have presented.

In the beginning, we have seen, that the king was the sole lawgiver. In form he continued to be so, long after he ceased to promulgate laws without the advice of the lords and commons. At length their right to an authoritative voice in the enactment was distinctly recognised. Still there is no provision in the constitution, by which the power of the king to arrest the passage of any law, is in the least modified. His right to veto a bill, passed by the unanimous votes of both houses, is as unquestionable, as his right to the crown. Yet surely if there was any one point, in which the more liberal ideas of modern times would seem to demand an abatement of royal prerogative, it was this. Now, in point of fact, the king never does refuse his sanction to the enactments of the two houses. Are we then to infer from this, that the veto power has been tacitly and totally surrendered? By no means. The same power is exercised in another form, but was made subject to a modification, which exactly suited it to our own ideas of that power, as it should be. In saying this, I allude to the qualified veto of the president of the United States, who has power to arrest the passage of any law not passed by the concurrent votes of two-thirds of both houses of congress. Now we have seen that the house of commons in England was made up of the representatives of numbers, the representa-

tives of the landed interest, the commercial interest, and the monied interest, and the representatives of the crown. Let us remember too, that, in addition to this direct representation, the king had an influence proceeding from the authority and patronage of his station, and that he would, in general, have more than an equal share of the sympathy of the landed, commercial, and monied interests. In view of all these things it must be manifest, that the passage of a law through the house of commons, as constituted before the late reform, could only take place in opposition to the wishes of the crown, when demanded by the wishes of at least two-thirds of the people. Now experience had shown, that it was unsafe for the king to oppose himself to the will of such a majority, however ascertained; and he consequently learned to content himself with the exercise of his prerogative so far as it could be exerted to affect the vote of the house of commons, and no more. The practical working of the constitution therefore became the same, in this respect, as if the representation had been equalized, and the absolute veto exchanged for one qualified as with us. But in this way an advantage was gained, which no formal change of the constitution could have given. By this means all collisions between the commons and the crown were prevented; for not only did a majority in that house *against* the crown show a majority among the people, whose wishes must be respected, but the same fact was *sufficiently* shown by a *very large* minority. To such a minority, therefore, as was understood to represent a large majority of the people, the same complying deference was always paid. When it was found arrayed against a measure, the ministers of the crown ceased to press it. When in favour of one, the royal opposition was withdrawn. The shock of collision between two branches of the government was thus avoided, the operations of government experienced no check, and all went on smoothly and harmoniously; the king having seemed to yield, rather through courtesy, than of necessity.

Nor did the advantage of this informal system stop there. Whenever the minister found himself supported

only by a bare majority of the commons, in his general course of measures, he saw, in this, a plain intimation that both he and they were unacceptable to the people. In such a state of things, therefore, he resigned as a matter of course: some leader of the opposite party took his place, and the whole course of the government was changed. Hence it became a proverb, that, "for a prince to change his ministers without changing his measures, is to be like a sick man, who changed his physician without changing his remedies." When we reflect, that the minister is the efficient head of the executive, and that the power of the king is little more than the power to appoint the minister, we shall see, that, in this quiet way, changes were effected, not less than those which we sometimes propose to ourselves, in electing a new president, and altering the entire composition of both houses of congress.

Another curious consequence of this anomalous system well deserves remark. The peers, in virtue of their property and extensive local interest, have a large representation in the house of commons. In a vote of that house then, in opposition to their wishes, they too read a lesson, which they soon learned to profit by. The result was, that, for more than a century, the lords never opposed, by a direct vote, any measure which they had been unable to arrest in the lower house, and thus the people were never exasperated, by any collision between the aristocratic and the popular branches of the government. How far it was desirable that they should be thus kept in a good humour with the government, is not the question here to be considered. That to those who administered it, and whose privileges were upheld by it, it must be desirable, no man can doubt; and all must admire the ingenuity and address with which such means as the case afforded, were used for this purpose. To the practical statesman, therefore, this part of the English constitution presents a most curious and instructive study.

But to us, gentlemen, it teaches a lesson of the most solemn interest and of the highest practical importance. It teaches, that, whatever the forms of a constitution

may be, they who administer it *can* mould it to their purpose, and make it an instrument in the hands of whatsoever interest may predominate in the state. Against the encroaching spirit of such an interest, there can be no security in any forms that the wit of man can devise. On the contrary, it is always of the nature of such interests to increase, and to multiply their means of aggression and defence; and this they will continue to do, until the oppressed portions of the community, exasperated by the sense of intolerable wrong, and insulted by the boastful display of the wealth and power of their oppressors, shall storm their strongholds, and demolish at once the fabric of their prosperity, and the constitution that protected it.

It is here that we are to look for the nature and cause of that remarkable change in the working of our own government which has taken place within the last quarter of a century. Twenty-five years ago, it was not perceived, that it gave undue advantages to any section, or to any interest. Within that time we find, that all its measures have assumed a steady tendency to build up the wealth and prosperity of the northern section of the Union, and to degrade and oppress the south. During that time, a process has been going on, the uniform operation of which is, to transfer the wealth of the latter to the former; to impoverish a country, blessed by nature with everything conducive to wealth, and to enrich one, which, separated from the rest of the Union, would be consigned to hopeless poverty. The reason of this is, that a local interest has been found, or created, which, from natural causes, is the fixed local interest of a numerical majority. This therefore is the prevailing interest in this republic. Once firmly established, and clearly ascertained, it takes to itself the administration of the constitution, and, in its hands, that instrument becomes the instrument of its will. In such a state of affairs, forms are of no consequence; and he who pleads them is told that he deals in abstractions, and tauntingly asked, whether the framers of our institutions could have been "so ineffably stupid," as to deny to the representatives of a majority of the people a right to do any

thing to the advantage of their constituents. How idle it is, when this idea is urged by men having power to enforce it, to contend for the antagonist rights of a helpless and hopeless minority, sacrificed to this prevailing interest, and oppressed and plundered according to the most approved forms of free government! If they are still free, then freedom is of little worth. If not, it shows how well the *forms* of freedom may co-exist with the worst evils of slavery.

LECTURE IX.

In the two last lectures I have endeavoured to lay before you the political character of feudalism, and to show the working of the principles of that system, in developing the governments of which we know most, and especially that of England. I selected this because it afforded the clearest view of the operation of those causes which inhered in the nature of the thing. It also furnished an example of the modification of this operation by political sagacity and address, and a remarkable illustration of the power of prevailing interests to mould to their purposes the forms of a constitution, whatever they may be.

But I was more especially led to dwell with some particularity on the political history of that country, because there we find the common root of her institutions and our own. It was from her experience that the founders of our governments learned the value of most of those maxims, which they sought to consecrate by our own fundamental laws. Her political struggles were the school in which they learned that wisdom which will make their fame imperishable; and, though in some things wiser than their teachers, *they* would have been the last to decry the value of the truths that they had learned there, because of the error with which they were mingled.

Their difficulty was to distinguish between those maxims of government, which had owed their value to peculiarities in the constitution of that country, not found in our own, and those which are of universal application. It was a task of equal delicacy and importance, to decide how far any difference in the forms of government would make it safe to dispense with safeguards which, at first, might seem superfluous with us. A mistake in either particular might be attended with all the consequences of a dangerous security; and I shall probably have occasion to show you that some few mistakes of both sorts are made. We shall see, too, that, in the administration of our constitutions by those, on whom, in later times, that task has devolved, some of these errors have been carried to a more dangerous length; and we may sometimes find that bulwarks erected against imaginary dangers, have served as screens, behind which the most formidable mischiefs have crept on us unperceived. It may aid us in our enquiries into these topics, to dwell a little longer on the political affairs of our parent country; to look into what has been lately done, and is now doing there; and to enquire how far that primitive constitution, which so long moulded itself to all the exigencies of society, is capable of such farther modifications, as present and future circumstances may make necessary.

There is nothing good under the sun. Everything *but evil* carries in it the seeds of its own destruction. That alone can be trusted to perpetuate itself. That alone, left to itself, remains unchanged; while, in every blessing that we enjoy, there is a something to enervate, to corrupt, or to lull into fatal security. The Spirit of God itself is a dangerous gift to those who do not hold it in watchfulness and prayer against temptation. How then can we hope to find, in any form of government, an unmixed good, sufficient to itself? The proper end of all government is security in the enjoyment of every right. This is the true idea of liberty. The restraints which are necessary to prevent wrong, are therefore essential to the very existence of liberty; and freedom becomes her own destroyer, when possessed by those

who are impatient of these restraints. But is this equally true of all rights? Of rights conventional as well as natural? Of the rights of property as well as the rights of personal security and liberty? A few remarks on this subject must be made somewhere, and it may be as well to offer them here.

The equal rights of all men and their equal right at first to equal things, form the foundation of the eventual inequalities of property, and their equal rights to things unequal. The rights of personal freedom of action, and of personal security, are inappreciable. But *beyond these*, liberty itself is only valuable as it permits the pursuit and secures the enjoyment of property. Property thus becomes the measure of the value of liberty, so far as it can be estimated by any standard; and few would value it at a higher price than the immense wealth often accumulated in a single lifetime by men who have but been left to pursue their fortunes, each in his own way. How many Esaus might have been tempted to sell their birth-right for sums which Stephen Girard would not have missed from wealth accumulated in a land of strangers, where he enjoyed no franchises, and for which he was indebted entirely to the free exercise of his own personal faculties? To those who are accustomed to speak of liberty as an abstraction, or as a sort of imaginary divinity, to be rather worshipped than enjoyed, these ideas may savour of paradox. Yet their truth is susceptible of the most rigid demonstration.

If the question be asked, "what is freedom?" and the case to be supposed is that of a single insulated individual, alone and disconnected from all his species, the answer is simple enough. It is nothing short of unqualified license to do whatsoever may seem good in his own eyes. But give him a single companion, and the case is changed. The most perfect liberty to both of which both are capable, implies, of necessity, some restraint on both. Each may presently set his heart on doing something which may conflict with the equal right of the other to do as *he* pleases. Which shall give way? Equality says "both, or neither." But one

must, and therefore both must. Here, then, is at once a limitation on *freedom imposed* by *equality*.

Equality having thus decreed that both must submit to some curtailment of liberty, it remains for equality to draw the line of demarcation between them. In many supposable cases, it is easy to do this. But will the boundary remain unchangeably the same? Fortune or convention may make a difference in their acquisitions; and the enjoyment of these makes it indispensable that some things shall be lawful to one and not lawful to the other. While the deer runs at large, each is equally free to appropriate him. When one has caught it, the right of the other to meddle with it is gone. To decide otherwise, is to give one a property in the other's labour. But this surely equality will not allow.

At first, each pursues his prey, and kills and feasts on it. As long as both are diligent and both successful, all is well. But to-day I am fortunate, and my companion fails from sloth, disease, or ill luck. I share with him on the faith of a promise that he will remunerate me when he is more successful. To-morrow I hunt for myself alone, while he hunts for me as well as himself. What has now become of the equality of our rights? Has it perished in the using? Has the very practice of the *principle of equality* destroyed it?

A succession of unequal fortune may increase my advantage until it becomes onerous to him. But, on the principle of equality, he cannot shake off the burthen. If he refuses to fulfil his promise to remunerate me, that refusal has relation back to the relief afforded him, and turns the receipt of a benefit into an act of robbery. It is the same as if, when our rights were equal, he had invaded mine, and taken from me by force that which he obtained by a promise he now refuses to perform. We must acquiesce, therefore, in this consequential inequality, or the equality with which we set out will prove illusory and of no value.

By-and-bye, this inequality advances to a point at which I have no need to hunt. I have something in store, and my companion is pledged to furnish an addi-

tional supply. I find time for other occupations. I build a shelter from the weather. Am I bound to share this with him? Equality, again denying him any right to my labour, decides this point against him. He must purchase it; and he agrees to pay me for the use of it, as a place of security and comfort, by farther supplies of food. Thus our primitive equality, *acting out its principles*, seats me at my ease under a dry roof, while he, through all the inclemencies of a wintry sky, is seeking food for both of us.

Now here are two aspects of equality; and he who is zealous for it in the beginning, should be equally zealous for the ultimate result, which is its appropriate fruit. The excess of my acquired rights is the measure of what the principle of equality has been worth to me. To deprive me of these is retro-actively to deprive me of that: to admit my right to the tree, but deny me the fruit. Hence it follows that a respect for the principle of equality demands that the inequalities that grow out of it must be respected and defended.

It is quite superfluous to speculate on the probability of such results as I have supposed, or the extent to which inequalities of property may be carried by the natural course of events. Compare the condition of J. J. Astor with that of thousands who began life with advantages equal to his, and you will have before you a much more striking example of the inequalities which, in a single life, may grow out of an undeviating regard to the principle of equality. The history of the world is full of proof that there is no limit to them but that which necessity imposes—necessity which predominates over all conventions, general and particular. When a man is already bound to all that he can perform, his liabilities can be carried no farther. This is the only limit that bounds the legitimate rights that *perfect liberty* and *perfect equality* may, and do, in the end, give to one over the property and services of another.

If the ideas I have suggested were not thus vindicated by the experience and the practice of all the world, they might be denounced as specious sophisms.

It might be deemed enough to answer them by repeating the very fallacies they are meant to expose. But all history and experience sanction them. Did the time permit, it would not be difficult to show, that, in proportion as government faithfully accomplishes its proper end in the protection of *all* the rights of *all* men, in *all* conditions, just in that proportion is the advance toward this state of inequality more sure, more uninterrupted, and more rapid.

The proper end of all government, then, is security in the enjoyment of *every* right. But men fearlessly encounter all the perils of hazardous enterprise, when assured of the peaceable enjoyment of the fruits of success. Freedom is therefore the nurse of enterprise, and enterprise is the mother of prosperity. But enterprise is not always successful, and the profits of successful adventure are always proportioned to the danger of failure. The success of one and the failure of another produce inequality in the conditions of men, and this inequality is the necessary growth of political security and freedom. The more you have of freedom and equality, the more you will have of enterprise, which is always gainful to those who succeed in proportion as it is hazardous and ruinous to those who fail. Success encourages further enterprise, supplies the means of guarding against failure, and teaches their application. Failure disables enterprise, yet provokes to new and desperate adventure. Hence inequality goes on to increase.

Success, in the ordinary business of life, is common; failure is rare, and profits are therefore moderate. But in more gainful and hazardous pursuits, (and gainful because they are hazardous,) success is for the few—failure for the many. Hence the very poor become daily more and more numerous, and the number of the rich is daily, in proportion, smaller and smaller, while the maximum of wealth steadily advances to a higher, and yet a higher point. This state of things is the natural growth of freedom. Is it favourable to the preservation of freedom? Let us seek a practical answer to the question by observing the change in the

condition of society effected by the adoption of pure principles of government, and the manner in which society, thus changed, reacts upon the government itself. England affords illustration on both points.

For some centuries all rights, and especially those of property, have been more respected there than in any other European kingdom. The struggles which took place about the middle of the seventeenth century turned on the claim of the king to tax the people without their consent, and in the triumph then achieved by them the principles of the inviolable sanctity of property was consecrated anew in that country, about the time that it was becoming obsolete on the continent. The recollection of that contest was fresh in the minds of men when William of Orange was called to the throne, and the recognition of that and other essential rights was made one of the conditions of his accession. From that time therefore to the present day, enterprise has had as free scope and as much encouragement in England, and has enjoyed the profits of its adventures in as much security as anywhere on earth. The result has manifested itself in advances in wealth, in art, in science, in literature, in manners and refinement, and in the elevation of the standard of comfort, before without example.

These advantages, as I have just shown you, are necessarily attended by great and increasing inequality in the distribution of property. This it was that disclosed the necessity of some constitutional safeguard for the rights of property, of which I have already spoken, showing you how the decayed boroughs were used for that purpose. Under this constitutional shelter accordingly, the process of accumulation was carried on, with a feeling of perfect security, until it reached a point which might well awaken envy and excite rapacity. Things were rapidly approaching to that state when the American revolution gave rise to new trains of thought in the minds of Europeans. Up to that time it seemed to have been supposed that the present enjoyment of personal rights was enough to satisfy the most jealous love of freedom. But men

then began to think more of the tenure by which they were held, and to require that this enjoyment should be fortified by such a political constitution as should insure it against invasion. The happiness of man depends, indeed, *immediately* on rights which are merely *personal;* but the *security* of these, a sense of which is also necessary to happiness, depends on the *political* right to be consulted about the laws under which he is to live. Without this, his present advantages may be held only by sufferance, and may be not less precarious than the welfare of a people whose happiness depends on the life of a wise and benevolent despot. It is vain to tell a man that his rights are secure under trial by jury, and the writ of habeas corpus, and the law which forbids his property to be taken without his consent, when once it has occurred to him that all these laws may be repealed in spite of him, and without allowing him any voice in deciding upon their repeal. When once this thought has entered the mind, gratitude to the power, which has been graciously pleased to exercise itself in the dispensation of good laws, is presently lost sight of, in the fear, that, in some caprice, it may enact others of a very different character. The very enjoyment of present advantages, requires some security for their continuance, in which the heart may rest in tranquillity. It has been speciously said that all the political rights of man resolve themselves into a right to good government. But is it therefore enough that the advantages of good government are dispensed to him as matter of *favour* merely? Must they not be recognised as his right too; and must not that right be secured to him by some provision which affords assurance that it will not be invaded? If so, such constitutional provisions become to him objects of political right; and it is obvious, that none can answer that purpose so well, as a right to be consulted about all measures, by the operation of which his personal rights may be affected.

What more natural then, than that all those constitutional limitations on the *political* rights of some, devised for the protection of the *acquired* rights of others, should seem odious to those on whom they were im-

posed? If unconscious in themselves of any disposition to invade these acquired rights, however unequal, such restraints would appear useless and absurd, unless intended for some evil purpose. Hence no sooner had the experiment of representative government in America made the people of England familiar with the theory of equal political rights, than they began to cavil at every thing in their own constitution that seemed at variance with it. To such cavils nothing seemed more obnoxious than the unequal representation of the decayed boroughs. It would never do to explain the matter to the people, by saying "these things are done to prevent *you* from taking what does not belong to you, and glutting your rapacity with the honest earnings of men more judicious, more industrions, more enterprising, or more fortunate than yourselves." Whatever were the wisdom of such precautions, there could be none in thus explaining them. It was far better to hear in silence the sneers and arguments of Paine and Burgh, and other writers of that school; and to rest in the assurance that so long as the people felt no actual grievances, they would not peril their own happiness on a quarrel with the theoretical defects of their government.

But the time was at hand when the people were to feel grievances, and grievances the more intolerable from contrast with the increasing advantages of the more favoured classes, and resulting from those very advancements in all the arts of life which seemed to promise to all, a participation in many comforts before enjoyed by a limited number. To explain this, let me lay before you some general and some particular facts.

You are aware that the history of the world affords no parallel to the advance of Great Britain in wealth, and in all the elements of prosperity, during the present century. Considered as the mart of the whole earth, the advantages afforded to her commercial enterprise by an uninterrupted peace of twenty-four years, are alone incalculable. But when we add to this the aids furnished by art and science in producing almost all the necessaries, comforts, elegancies and luxuries of

life, which her wealth, and intelligence, and commerce enabled her at once to seize upon and make her own, we shall find little cause to wonder that the standard of moderate competency at this day, far exceeds the measure of what forty years ago was reckoned most enviable wealth. In the middle of the last century an estate of £3000 per annum, made a clownish country squire an object of flattering attention to earls and dukes. At this day, the noble possession of ten times the amount is elbowed aside by commoners. Then the task of those who ministered to the wishes of the great was to provide the comforts and luxuries and elegancies of life. Now the ingenuity and skill of the artisan is tasked to devise costly toys and fooleries, on which superfluous wealth may lavish itself, to purchase for the possessor a mark of distinction from those who are not quite rich enough to have money to throw away. Nor is there any thing in this sudden growth of prosperity to astonish us. Labour is the great source of wealth; and art and science have placed at the command of the English people a labour equal to that of all the hands of all the inhabitants of the earth. Had fortune made her the mistress of the globe, and brought into her ports, without money and without price, all the fruits of all the labour of the whole human race, as it was a century ago, she might have been *relatively* richer than she is; but *absolutely*, not at all so. By a power, which then had not been brought into use, she is now furnished at home, with what is more than equivalent in value to all that the earth then produced, and which thus enables her to appropriate all that can be supplied from abroad, without at all abating her consumption of what is produced at home.

What should be the condition of a people of whom these things can be affirmed? Can poverty be known among them, except in instances so rare as to excite universal wonder, and to command universal sympathy and aid? Can want have place in such a community? In such universal abundance of all that is desirable, is it not to be feared that man, as in another paradise of unpurchased bliss, would forget his dependence on his maker, and fancy himself sufficient for

himself in all things? It would not be wonderful if to the inexperienced and unthinking, it should seem impossible that any one should ever feel the pressure of actual want. Yet comparison will show the fallacy of such a conclusion, and prove, most clearly, that in such a state of overflowing prosperity, poverty is most deeply, most extensively, and most hopelessly felt. Let us make this comparison.

In other countries, and in that country formerly, we have distressing pictures of the inequality of fortune, and the hard condition of the lower classes. Take, for example, the following sketch of the state of the peasantry in one of the agricultural provinces of France, where modern inventions and improvements had not as yet lent their aid to ameliorate the condition of society.

"Farms are small. Their average size does not exceed fourteen acres. Some are as small as two acres. There are many of from four to eight. The farmers are poor, and live miserably; yet, their wants being *few*, and *easily satisfied*, they are comparatively happy. Their food consists of barley-bread, butter, buckwheat (made into pudding porridge, what we call mush and gruel,) and cakes, soup composed of cabbage-water, a little grease or butter, and salt, poured on bread, potatoes—*meat twice a week* (always salt pork). A family of *twelve*, including servants and children, consumes annually about 700 pounds of pork, and 100 pounds of cow-beef; the latter only on festivals.

"The class of daily labourers is almost unknown. The inmates of each farm, consisting of the farmer's family, and one, two or three male, and as many female servants, (according to the size of the farm,) paid annual wages, and who live with the family, suffice for the general work. At harvest some additional hands are employed. These are generally persons who work two or three months in the year, and beg during the remainder. Daily labourers and beggars may, therefore, in the country, be classed under the same head. The conditions of the poorer farmers, daily labourers, and beggars, are so near akin, that the passage from one

state to the other is very frequent." (Senior on the condition of the labouring classes in Europe.)

In this sketch we have a picture of the state of society which yet lingers in some of those parts of Europe, which have least felt the influence of modern improvements. We have no statistics from which we can draw very accurate information of the general condition of the poorer classes in other countries, less than a century ago; but making allowances for the sterility of the particular district to which this statement belongs, we may believe it to present a tolerably just idea of their circumstances everywhere at that time. Of this we learn more from writers of romance and poetry than from any other source. The testimony of such men as Fielding and Smollet is perhaps more worthy of credit, than much which is given on oath. Goldsmith is heard to lament the time "when every rood of ground maintained its man." In the poems of Crabbe, written about the beginning of this century, we have innumerable pictures taken from the life, by one who has been well designated as "nature's sternest painter and her best." These clearly indicate a condition of society very near akin to that exhibited in the foregoing extract.

While, in contrast with this general state of poverty, there prevailed among all the higher classes an enviable degree of affluence, accompanied with a taste for ostentatious display, by no means conciliating to the feelings of the poor, we may see how the friends of law and order and security to all the rights of men in all conditions, may have doubted the wisdom of allowing to all an equal voice in the management of affairs. So long too as the sufferings of the poorer classes were such as could be borne, it is not strange that they submitted also to their political disqualifications. The laws of *meum* and *tuum* are never questioned but by men driven to frenzy by distress. It is so easy to show that the same maxims which consecrate the possessions of the wealthy, are equally necessary to the safety of the poor, that the latter cherish them for their own sake; not only as long as they have any thing to lose,

but as long as they have any thing to hope. They look indeed with envy on advantages which they can never expect to share, but this passion finds its objects in the substantial blessings of house and home, and food and raiment, with the accompaniments of horses, carriages, servants, furniture, and all the *etceteras* with which the rich are accustomed to surround, and even to burthen themselves. Beyond these, the poor man never looks, nor does he bestow a thought on the rank and privileges of aristocracy, nor trouble himself by what authority the laws are made, until the progressive inequality of conditions, giving all to others, and leaving nothing in possession, or in prospect, to him, makes the very name of law itself odious to him. The maxim of the equal rights of all men, then acquires a new value in his estimation. It recommends itself by its tarseness and simplicity, and he is ready to adopt it as his whole political creed. It is vain now to tell him that all men indeed have equal rights, but to unequal things. So long as he himself had any thing, he was well enough disposed to accept this modification of the proposition. But when matters arrive at that pass that this qualification secures to others the possession of every thing, and leaves nothing to him, from that moment all respect for the laws of property passes from his mind. From that moment they become odious in his sight, and the government which establishes and maintains them, (whatever be its form,) is odious too. He soon learns to take exceptions to its structure, and its actions. He asks why power is placed here and not there, and demands a reason not only for all that is done, but an account of the authority by which it is done. Everything incongruous in the system is derided as absurd, and all that is at variance with his own favourite maxim is denounced as unjust, oppressive, and wicked.

All this time his quarrel is not in truth with the forms of government, or the particular character of its laws. He is unconsciously at war with all government and all laws which protect the rights of property. He would not give a straw (if he had one) to choose between the existing government, whatever that may be,

and any imaginable form which should leave him poor, destitute, and abject as he must be, so long as the same allotment of property remains, which assigns all to others, and to him nothing at all.

Now you will perceive that in the sketch given in the extract which I have just read, there is exhibited a condition low and humble, and cheerless enough, but yet one to which use may familiarize so far as to render it quite tolerable. "The wants of the peasant," says the writer, "being *few* and *easily satisfied*, he is *comparatively happy*." So long as this is so, the experience of the world tells us, that he will never be curious to look into the mechanism of government, or permit himself to question the title of the rich to their abounding superfluity. He is much more afraid that they will question and invade his right to the small modicum of property that he enjoys. His weakness makes the protection of the law more precious to him than to them; the less he has, the less are his means of defending himself from extortion and rapacity; and his sense of the value of the security which the law affords to property increases as he sinks lower and lower in the scale of fortune, until he reaches that point beyond which there is no farther fall. Then all is changed, and his spirit reacts, and mounts up with a recoil, energetic in proportion to the depth of his abasement.

I am by no means sure, therefore, that those political privileges which have been devised for the security of the rights of property, have all the value that has been ascribed to them. That they are effectual to some purposes, so long as they continue, is certain. They may save the rich from being made to bear more than their due share of public burthens. They may secure respect for the obligation of all engagements, and provide a proper code of remedies for all rights. But when the final struggle comes between numbers and property, between those who have nothing and those who have everything; between the many who are perishing for want of that which others wantonly destroy, and the few who thus destroy it, I am not sure that they will not be found utterly inefficacious. So long as there is

no disposition to invade the rights they are meant to guard, they are respected. But so soon as this disposition is awakened by utter destitution and intolerable distress, pervading that great multitude which forms the lowest class in all societies, what then are the political privileges intended to stand as bulwarks between the famishing around, and the food that tempts them to the assault? What are they, but straw and stubble to feed the flame they were intended to arrest?

This is a question on which the statesmen of Europe have long pondered, and of late in fear and trembling. They have felt the necessity of staving off as long as possible that evil hour, when men perishing for want of the absolute necessaries of life, and driven to frenzy by the cries of their famishing children, may ask, in tones of desperation, whether there be any law, divine or human, which can rightfully condemn them to perish for want of superfluities lavishly wasted by others. This it is which has given rise to poor laws; and to those anxious discussions provoked by the suggestion, that such laws do but tend to aggravate the mischief they were intended to avert. This it is which has made benevolence so active in devising means to relieve the distresses of the poor, and to eke out their scanty sources of subsistence and comfort. This it is which has given so much interest to all the discoveries of science, and the inventions of art which seemed to promise that the prime necessities of life might be supplied at a cheaper rate. The philosopher exercises his ingenuity in devising contrivances for the economy of fuel; he turns cook, and invents a digester to make soup of bones; he tasks all the resources of his art to improve the fertility and increase the products of the soil. Was it to be believed that all these would be ineffectual; and that all the discoveries, by which the production of most of the necessaries, and all the comforts of life, was indefinitely facilitated and multiplied, would afford no relief to those, who suffer from the want of all these things.

Such has been the fact. It belongs to the political economist to explain how this happens, and how it is

that so many specious devices for improving the condition of the poor, do but end in the multiplication of the sufferers, and the aggravation of their miseries. All such inventions disclose new sources of profit, invite to new enterprises, which are attended sometimes with incalculable gains, sometimes with irreparable loss. Such consequences do not so suddenly attend the regular cultivation of the soil according to long established methods of husbandry. By that process none become very rich and few abjectly poor; because there is no risk to occasion great losses, nor to give rise to high profits as the reward of success. There is certainly nothing very gratifying to the lover of romance, or to the political economist, in the dull round of prœdial labours attended with such results as are exhibited in the extract I have read. But there is nothing there to shock humanity, to drive the labourer to desperation, or to alarm the statesman's fears for the stability of government. Poverty, in that degree, humbles and subdues the mind. Carried beyond that point, it exasperates and embitters. As long as the labourer can earn food and raiment by his toil, he never dreams that he has a right to anything else. But when his utmost exertions leave him to suffer for want of necessaries, he then, for the first time, thinks of claiming something more. To these he knows he has a right. He cannot look upon the pale face of a hungry wife, and hear the cries of famishing children, without feeling that he is wronged. He measures his wrong by his sufferings, and by the value of his labour to him who is enriched by it; and the redress he claims is proportioned to these standards.

In my next lecture I propose to show you something of the extent to which this mischief has been carried with the aid of the wonderful discoveries of science, and the ingenious inventions of art which distinguish the present century. I shall endeavour afterwards to show how these consequences react upon government, and how the insolence of wealth itself works in combination with the distresses and impatience of the poor to discredit those constitutional safeguards which had

been provided for its defence. I expect to show that no improvement in the structure, or the action, of government, can avert the doom which such a state of things portends: that it has in truth resulted, not from what was evil, but from what was good, in government itself: that there is no remedy but in such a voluntary relinquishment of some of the advantages of wealth as the possessors can hardly be expected to have either the wisdom or the magnanimity to resort to, or in the total overthrow, not only of the fabric of government, but of all the rights of property, and of the whole frame of society.

But long as I have detained you, gentlemen, I cannot, even now, dismiss this subject without suggesting an application of it to ourselves and our own affairs. In this country there are few who have not some idea of the prodigious inequalities of property which prevail in England, and the consequent distresses of the poor. We are in the habit of saying that these things concern us not; that they result from the faults of that government; and that we who have no king or lords, or artificial representation, but a president and congress duly and freely elected by the people, have nothing of the sort to fear. Now I put it to your candour to decide, in view of all that I have said, whether these mischiefs are not in truth produced by the *absence* of those faults in the action of government, which we are in the habit of imputing to the authority of kings and lords? They have arisen, not because the people have been illy governed, but because, in all that relates to the rights of property, they have been well governed. It is not to the privileged orders that these advantages have accrued. It is wealth which has forced its way into the privileged orders in spite of the aristocracy. The late viceroy of Canada was a commoner ennobled by his wealth. The man who made a common strumpet his wife, and then left her a fortune, which made her the wife of a duke, was an obscure commoner, the author of his own fortunes.* And why was this, but that the

* The brother of this man (Coutts the banker) lived and died

rights of all men alike were protected, and the rewards of enterprise alike sure to the low as to the high?

I beseech you, then, lay not to your souls the flattering thought, that we are to be exempt from these evils, because of differences between the English constitution and our own, which can only make the event more sure. If we are more free than they, if all the careers of enterprise are even more open to all here than in England, if the profits of success are yet more faithfully secured and guarded by our laws than by hers, and if, as is certainly true, the objects on which enterprise may exert itself are even more various and more lucrative, how shall we hope to escape results, similar, or yet more alarming.

Among ourselves in this state, as yet we see nothing of these things. But are we not taught to look at this very condition of society, as the *summum bonum;* are we not eagerly straining every nerve to attain to it; and are we not sneeringly and tauntingly reproached with our folly in clinging to that one peculiarity in our domestic institutions, which retards our advance in the fatal career of improvement that ends in splendid vice, and abject misery, and a contempt of moral obligation in the rich, and of the laws of property in the poor, and that final dissolution of all order in which the passions of all are let loose to avenge on each other the insulted majesty of the laws of God, and the abused bounties of his providence?

Against these tremendous results, we have in our society a security (I allude to domestic slavery) which

in Virginia. He was a man remarkable for strength of mind, shrewdness, wit, profanity and debauchery. He was well known about this place, and, in my boyhood, many amusing anecdotes of him were current here. When on his death-bed, his friend Col. Byrd of Westover, was also very ill, and sent him word to wait for him, that they might travel to the other world together. The message found him at the last gasp, and his answer was in these words: "Tell William Byrd that Patrick Coutts is Patrick Coutts on his own bottom, and he'll wait for no man." These were his last words. They have passed into a proverb among us. A man who means playfully to boast his independence says, "I am Patrick Coutts."

may save us, at least for a time. Meanwhile we may have an opportunity of learning wisdom from the example and fate of those who, spurning every counsel, contemning every danger, and triumphing over every obstacle, are pressing forward to this splendid but awful consummation. Let us mark the end, nor tread too close upon their heels.

LECTURE X.

In my last lecture, I announced my intention to enter, at this time, upon an examination of the actual results attending the long continued reign of law and order, accompanied, as it always is, by enterprise, activity, and diligence, guided and aided in their operations by the discoveries of science, and the inventions of art. We might find examples of this sort in ancient history, and, in default of a better instructor, we might learn much from the fate of Athens and Rome. As it is, I shall but so far advert to them, as to remind you, how far Athens, from her commercial position, outstripped the other states of Greece in her advances in wealth, and elegance, and refinement, and art, and sciences, *and also in those vices which terminated in her own destruction.* In glancing over the history of Rome, too, you will see, that it was only when she arrived at that point in the progress of society that made her as much the envy of the whole earth for all that adorns life, as she had before been the admiration of the world for her noble deeds and glorious achievements, that she fell under the dominion of passions which rendered her incapable of freedom. When, in the midst of luxury and splendour, the multitude were heard to cry for bread, the demagogue who should propose to empty the treasury in largesses to the poor, could never be in want of devoted partizans. "When that the poor have cried, Cæsar hath wept:" and, what-

ever Antony might say to the contrary, such *is* the very stuff that ambition is made of.

But it is needless to dwell on these examples. We can have no occasion to explore the dark and dusty receptacles of buried empires, to detect the causes of their decay and destruction, when we have before us a body of living death, an animated anatomy, in which the fatal cause is palpable to the senses, and the advance of its ravages is made manifest to the eye.

Without farther preface, I shall proceed to lay before you some facts, from which I expect to deduce conclusions that cannot fail to command your assent.

For some years past, two objects have very much occupied the attention of the government of England. I mean the condition of the *poor* generally, and that of the *labourers* employed in those vast manufacturing establishments to which England owes so much of her wealth and power. Feeling the importance of action on these subjects, her rulers also felt that it was necessary to act understandingly that they might act beneficially. They have, therefore, at different times, constituted commissions of enquiry to examine into such particulars as, by laying bare the root of the evil, might indicate the remedy. These commissions have acted with praiseworthy diligence, and their reports embody a mass of authentic evidence entitled to all respect and confidence. The state of things which this evidence discloses, I might lay before you, by summing up its results in my own words. But to do justice to the original, my picture would necessarily be so highly coloured, that you would doubt its accuracy. I should be obliged to use language so often prostituted in the service of falsehood, that it has become unfit to be the vehicle of truth; and I might seem to wish to deceive and lead you astray by exaggerated description and extravagant declamation. I shall therefore lay before you, in the language of the witnesses themselves, some of the facts which their testimony discloses.

In the year 1816, Sir Robert Peel procured a committee of the house of commons to examine into the expediency of a bill to regulate the labour of children

working in factories. Before that committee, Sir Robert Peel himself, in his evidence, made the following statements:

"Large buildings are now erected, not as formerly on the banks of streams, but in the midst of populous towns, in which the children of the surrounding poor are employed, and these children, even of the tender age of seven years, and, in some cases, even younger, are kept at work for thirteen or fourteen hours per day. Such indiscriminate and unlimited employment of the poor, consisting of a great proportion of the inhabitants of the trading districts, is attended with effects not to be contemplated without dismay; and thus that great effort of British ingenuity, whereby the machinery of manufactures was brought to such perfection, instead of being a blessing to the nation, is converted into the bitterest curse. In all my visits to the factories, I have been struck with the uniform appearance of bad health, and, in many cases, with the stinted growth of the children. The hours of labour were regulated by the interests of the overseer, whose remuneration was regulated by the quantity of work done."

This general statement is followed by many details which led to measures of relief, some of which were impracticable, and some evaded; and this again led to new and repeated enquiries. Of all these enquiries the result is essentially the same, in spite of all that legislation could effect, and therefore all the facts that I am about to lay before you may be considered alike as fair specimens of that which exists at this day.* A

* Since this was written, much has been done to modify, and perhaps to mitigate the evils here described. If I were about to give a statistical account of the matter, it would be my duty to take my statements from the present condition of things. But for my purpose it is enough that such things *have existed* at any time. To the students of political philosophy the facts have the same value, whether contemplated at the time of their existence or afterwards. If the evil has been mitigated, (and I hope it has,) it is because the wise and able men, at present at the head of affairs, have seen it in its true character. I have already intimated that no remedy could be found unless the possessors of wealth should bring themselves to relinquish voluntarily some

few extracts from the testimony will give you some idea of the effects of a degree of labour, of which our experience gives us none.

An unfortunate child describes herself as "sick—tired—especially in the winter nights; feels so tired, she throws herself down, when she gets home, not caring what she does. She looks on the long hours as a great bondage; thinks they are not much better than the Israelites in Egypt, and their life is no pleasure to them."

Another says, "the long standing gives her swelled feet and ankles, and fatigues her so much that sometimes she does not know how to get to her bed."

A witness says, "children at night are so fatigued that they are asleep often as soon as they sit down, so that it is impossible to awaken them to sense enough to wash themselves, or scarcely to eat a bit of supper, being so stupid with sleep."

Another says, "The long hours exhaust the workers,

of its advantages. The substitution of an income tax, from which small incomes are exempt, for a part of the imposts and excises which tax even the potato and salt of the poorest labourer, is of this sort. It is the first step towards a recognition of the principle that men should contribute to the exigencies of the state in proportion, not to their *property*, but to their *superfluity:* not in proportion to *all they have*, but in proportion to what they *have to spare.* On the principle of the British constitution, that taxes are a *free gift*, it is the most impudent of all legal fictions to pretend to believe that he who has nothing to spare, is consenting to give *anything*. He who has something to spare has no right to complain that his representative vouches for his consent to give *what he ought*, though in so doing he may give him more credit for liberality than he deserves. But when they, who call themselves the commons of England, take upon themselves to say that the poor man, who has nothing but a scanty meal of potatoes for his children, is consenting to give away a part of that to any object under heaven, they not only represent him falsely, but they insult his distress, and do him grievous wrong. Every impost, and every excise which enhances the cost of production of his wretched food, is a tax on him; and, to that extent, they, who claim to speak on his behalf, represent him as giving freely. This principle, that taxes are the free gift of the people, has long been recognised as the corner-stone of English liberty. So far as that is a fiction, so far is English liberty a fiction too.

especially the young ones, to such a degree, that they can hardly walk home; they often cannot raise their hands to their head; and when engaged in their regular work are often exhausted beyond what can be expressed."

"I have known the children," says another, "hide themselves in the store among the wool, so that they should not go home, when the work was over, after having worked till ten or eleven. I have seen six or eight fetched out of the store and beat home. I do not know why they should hide themselves, unless it was that they were too tired to go home."

One of the overseers says, "I always found it more difficult to keep my pieurs awake the last hours of a winter's evening. I have told the master, and have been told by him, that *I did not half hide them.* I have seen them fall asleep, and they have been performing their work with their hands, while they were asleep, after the engine had stopped, when their work was over. I have stopped and looked at them for two minutes going through the motions of pieuring, when there was no work to do, and they were really doing nothing. I believe, when we have been working long hours, that they have never been washed, but on Saturday night, for weeks together."

A more elaborate and extended statement, given by a medical witness, shows all the circumstances of the case, and will afford an idea of the compensation which is purchased by the toil of whole families down to children of seven years of age. "The population," says he, "employed in the cotton factories, rises at five in the morning, works in the mills till six or eight o'clock, and returns home for half an hour or forty minutes, to breakfast. This meal generally consists of tea or coffee, with a little bread. Oatmeal porridge is sometimes, but of late rarely, used, and chiefly by the men; but the stimulus of tea is preferred, and especially by the women. The tea is almost always of a bad, and sometimes of a deleterious quality; the infusion is weak, and little or no milk is added. The operatives return to

the mill and work till 12 o'clock, when an hour is allowed for dinner.

"Amongst those who obtain the lower rates of wages, this meal generally consists of boiled potatoes. The mess of potatoes is poured into one large dish; melted lard and butter are poured upon them, and a few pieces of fried fat bacon are sometimes added, and but seldom a little [fresh] meat.

"Those who obtain better wages, or families whose aggregate income is larger, add a greater proportion of animal food to this meal, at least three times a week. But the quantity consumed by the labouring population is not great. The family sits round the table, and each rapidly appropriates his portion on a plate, or they all plunge their spoons into the dish, and, with an animal eagerness, satisfy the cravings of their appetite. At the expiration of the hour, they are all again employed in the workshops or mills, where they generally again indulge in the use of tea, often mingled with spirits, accompanied by a little bread. Oatmeal or potatoes are taken by some a second time in the evening.

"The population nourished on this aliment is crowded into one dense mass in cottages, separated by narrow unpaved and almost pestilential streets, in an atmosphere loaded with smoke and the exhalations of a large manufacturing city. The operatives are congregated in rooms and work-shops during twelve hours of the day, in an enervating heated atmosphere, which is frequently loaded with dust or filaments of cotton, or impure from constant respiration, or from other causes. They are engaged in an employment which absorbs their attention, and unremittingly employs their physical energies. They are drudges who watch the movements and assist the operations of a mighty material force which toils with an energy unconscious of fatigue. The persevering labour of the operative must rival the mathematical precision, the incessant motion, and the exhaustless power of the machine.

"Prolonged and exhausting labour, continued from day to day, and from year to year, is not calculated to develope the intellectual or moral faculties of man.

The dull routine of a ceaseless drudgery, in which the same mechanical process is incessantly repeated, resembles the torment of Sisyphus. The toil, like the rock, recoils perpetually on the wearied operative. The mind gathers neither stores nor strength from the constant extension and retraction of the same muscles. The intellect slumbers in supine inertness; but the grosser parts of our nature acquire a rank development. To condemn man to such severity of toil is, in some measure, to cultivate in him the habits of an animal. He becomes reckless—he disregards the distinguishing appetites and habits of his species—he neglects the comforts and delicaties of life—he lives in squalid wretchedness, on meagre food, and expends his superfluous gains in debauchery.

"Hence, besides the negative results—the total abstraction of every moral and intellectual stimulus—the absence of variety—banishment from the grateful air, and cheering influence of light, the physical energies are exhausted by incessant toil, and imperfect nutrition. Having been subjected to the prolonged labour of an animal—his physical energy wasted—his mind in supine inaction, the artizan has neither moral dignity, nor intellectual nor organic strength to resist the seductions of appetite. His wife and children, too frequently subjected to the same process, are unable to cheer his remaining moments of leisure. Domestic economy is neglected, domestic comforts are unknown. A meal of the coarsest food is prepared with heedless haste, and devoured with equal precipitation. Home has no other relation to him than that of shelter; few pleasures are there—it chiefly presents to him a scene of physical exhaustion, from which he is to glad to escape. Himself impotent of the distinguishing aims of his species, he sinks into sensual sloth, or revels in more degrading licentiousness. His home is ill furnished, uncleanly, often ill ventilated, perhaps damp. His food, for want of forethought and domestic economy, is meagre and innutricious; he is debilitated and hypochondriacal, and falls the victim of dissipation."

Another aspect of the case is yet more shocking to

the best feelings of the heart, and fills us with wonder that the wretched victims of bloated prosperity are not driven to frenzy and desperation. "In consequence," we are told, "of the mothers being employed from home, their children are intrusted, in a vast majority of cases, to the care of others, often of elderly females, who have no infant family of their own; and most of whom, having, in their youth, had *their* children attended to by others, have never formed those habits of attachment and assiduous attention to their offspring, which could alone afford a probability of a proper care of the children committed to their charge. These women often undertake the care of several infants at the same time; their habits are generally indolent and gossipping; the children are restless and irritable from being deprived of a supply of their natural food, (as, when the mothers suckle them, they can only do it in the intervals of labour,) and the almost universal practice among them is, to still the cries of the infant, by administering opiates, which are sold for this purpose under several well-known and popular forms. The quantity of opium, which, from habit, some children are capable of taking, is almost incredible, and the effects are correspondingly destructive. Even when the infants have a healthy appearance at birth, they almost uniformly become, in a few months, puny and sickly in their aspect, and a very large proportion fall victims to bronchitis, hydrocephalus, and other diseases produced by the want of care and the pernicious habits here detailed."

You have as yet had no experience of the workings of nature in a father's heart. But the mother's feelings make themselves understood by the child; and there is one at home whose wretchedness you can well appreciate, were she condemned to witness the lot of her own offspring, in the least unfavourable of the conditions described in these statements. You know, too, that there is one whose firmer nerves may feel these things less poignantly, but whose manly spirit would peril everything to redress the evil by which her life should be embittered. You know this; and you are ready to ask, "why are these things endured?" The

answer is, that hope is held out in the shape of plans for ameliorating the condition of those who labour in factories; that plan after plan is suggested by those who love to be charitable and philanthropic at the expense of others, and that commissions of investigation are constantly pressing their enquiries with a zeal that promises relief. But what has been done? What has been proposed? In short, what can be done by authority of law?

A moment's reflection may convince you that nothing can be done, but to prohibit the employment of children, and to shorten the hours of daily labour. They have accordingly gone so far as to emancipate from this horrid bondage all under the age of nine years, and to limit the hours of labour, I think, to twelve.* The first of these provisions can only be evaded by falsehood, and where both parties are agreed, we cannot doubt that this is often done. The other is more easily and innocently eluded. Nothing is necessary but to increase the speed of the mills, so as to produce in twelve hours the same amount of labour formerly done in fourteen or fifteen. Accordingly, among the testimony taken by the commissioners, I find evidence to this effect. In a particular branch of the work, in which children are always employed, it has been found that in trotting backwards and forwards to attend the motions of the mill, they formerly travelled at the rate of twenty miles in twelve hours; whereas, at the rate at which the engines now move, they would go over twenty-five miles in the same time; thus accomplishing in twelve hours what was formerly the labour of fifteen.

Now a moment's reflection will convince you, that if a reduction of the hours of labour in the factories could operate at all in favour of the labouring class, it must be on the principle that, by diminishing the amount of labour to be obtained from each, the sum of the whole would be diminished, and the supply be thus made less

* Other changes have been since made or attempted. These, for the reason already given, I do not think it necessary to trace.

in proportion to the demand. If this result should be so far accomplished as to enable the labourer to obtain the same wages as before for less work, this would be advantageous to him. But if the supply was still so great, as to enable the employer to dictate terms to the labourer, he must be content with wages in proportion to his work. It follows that before we can decide that this legislative interference is beneficial to him, we must first know whether he is in condition to bear this curtailment of his wages. If they were before only sufficient to afford a bare subsistence, we know that he could not bear it. The law, therefore, which limits his hours of labour, condemns him to starve, or to find means to do as much work in twelve hours, as he did before in fourteen. The speed of the machine is accordingly increased with this view; and thus he travels on to the destiny that awaits him, by the same daily stages as before. This he does with his own consent, (extorted indeed by necessity,) and thus becomes a party to the evasion of the law intended for his protection.

These ideas suggest the only radical and effectual remedy. It is one which will never be applied by a government which respects the rights of property. But what may be done, if a change can be effected which will place all authority in the hands of this starving multitude, is quite a different question. Let the agrarian spirit which such a state of things inevitably excites, get leave to act out its nature, and it would be easy to devise a remedy, though by no means sure that it would rest content with it.

If it were from any cause impossible, (whether physically or morally,) that any labourer should work more than one hour per day, the demand for labour would then so far exceed the supply, that the labourer would be in condition to dictate terms to his employer. He might force him to pay as much for the work of that one hour, as he now pays for the labour of twelve, or to give up his business. This last measure would be ruinous to both parties, and, as the employer could not

afford such wages, such a case is plainly not to be supposed. But there is a medium, which might be ascertained by repeated experiment. A curtailment might be fixed on, which would enable the labourer to demand for an amount of work, not inconsistent with the enjoyment of life, what might enable him to receive a tolerably fair share of its necessaries and comforts, and what the employer could barely afford to give.

The puzzle is, to reconcile such interference on the part of government, with the right of men to regulate their own contracts, and to make by their labour, or their capital, all that others are willing to allow, with our notions of liberty. This is plainly an exercise of arbitrary power, and a violation of the rights of person and property. Yet its advocates will be found among the most strenuous advocates of liberty: and they will be so far consistent, that the end, they propose to themselves, is the same which first made liberty precious. When liberty has committed suicide, they who love her, must call in arbitrary power, to restore her to life and health.*

As yet this thorough treatment of the disease is not in the contemplation of those who undertake to prescribe for it. What may be in the thoughts of others who now lie back, waiting the moment of efficient action, we can only conjecture. In the meantime it may be truly said, in the language of one of the reports, "that a steam-engine, in the hands of an interested or avaricious master, is a relentless power to which old and young are equally bound to submit. That tyrant power may, at any time, and without any effort, cripple or destroy thousands of human beings. Their position in these mills is that of thraldom: fourteen, fifteen, or sixteen hours per day, is exhausting to the strength of all; yet none *dare quit* the occupation from the dread of losing work altogether."

One word more of testimony will show how this

* What immediately follows may not be exactly true at this day. I think I have seen indications of an attempt, since this lecture was written, to work out this problem.

tyrant urges its victims to destruction, with the help of that sternest and most merciless of all task-masters, *necessity*. You will see that the passage I am about to read has reference to a time antecedent to the curtailment of the working hours. But remember that accelerated velocity in the mill has neutralized the effect of that. A poor girl of fourteen says of herself: "I have sometimes worked, and do now occasionally work, sixteen hours. They commonly worked fourteen or fifteen hours through the whole winter, and got extra wages." (Generally a penny per hour.) "Worked all last night;" ('I found her working,' says the commissioner, 'at a quarter before six;') "worked from a quarter before six yesterday morning; will work till six this evening; thirty-four hours, exclusive of two hours for meals; did this because the hands were short, and I should get an additional SHILLING. Have worked here two years; am now *fourteen*; work sixteen hours and a half a-day; *felt badly, and asked to stop, at eight, one night lately; was told if I did*, I MUST NOT COME BACK."

Others say, "they did not stop for meals; used to eat how they could; sometimes the breakfast would stand an hour and a half; sometimes we'd never touch it; sometimes I have brought mine out, and never touched it, because I had not time; took it as we could, a bite and a run; sometimes not able to eat it, from its being so covered with dust."

But is there then no employment for labour but in these loathsome factories? Yes. The labourer has his choice, whether he will supply his family with as many potatoes, by the toil of himself and his wife, and as many of his children as can do any work, on the farm or in the factory. It is a matter of taste which he will prefer. Your masters in political economy will tell you that if either occupation was decidedly preferable to the other, the latter would be deserted, or the former overstocked, and reduced to the same standard of advantages and disadvantages.

I have no statistics from which I can give you a view of the condition of prædial labour in England. But

while, on the one hand, we know that it must bear a certain relation to that of labour in other occupations, we may also derive some light from a view of the actual condition of labourers employed in husbandry in the neighbouring kingdom of Ireland. Here we have information of the same authentic character with that already laid before you, and obtained by the like investigations. A few items of this I will now present, not only because it is favourable to my present purpose, but because it is yet more important in connection with a yet more important subject to be considered hereafter.

"I have a wife and four children," says a labourer, "I hold three quarters of an acre of land, for which I pay £1, taken out in labour. This generally gives me and my family potatoes for five or six months in the year. I get an occasional day's labour. I have often taken 3*d.* a day rather than set idle. My wife can earn a penny halfpenny on a day she is employed to spin; but if she is employed one day, she may not be employed again for a month. She has been sickly for the last seven years." (Mr. Lyons, the parish priest, says her complaint is one of those that are common there, arising from the nature of the food used by the poor, which, he says, is such, that if a person used to wholesome diet were reduced to subsist on it, he would not live a month.) "During the past summer I had not enough, nor anything like enough of potatoes, for myself and my family. It will be worse next summer. My potato crop has failed this year. The cause was that I had no proper seed. My crop used to last till May. Now I am bare in November. I have got a month's stock of potatoes. When these are gone, as I expect no employment, I do not know how we are to live afterwards, but *go upon God.* My family never begged but twice, once for three weeks, and again for a month; but I will not be able to keep them from it this winter. I have not worn shoes for ten years. I have had no stockings but such as you see; the legs of stockings a neighbour gave me, when he had worn out the feet of them. I have not got a new coat this five years. This is an old one a neighbour gave me six months ago; you see it is nothing

but rags. There is a son of mine; (putting forward a half naked boy about eleven or twelve years old;) he never wore breeches: he never had one: this is a borrowed coat he has on him. (A man's coat all rags, dangling and trailing about him.) You see he has nothing else covering him but a shirt. That shirt is the only stitch of clothing he has of his own. We lie on straw, that we get from some neighbour in charity; we do not change it; we do not part with it at all, but as it wastes away, the neighbours give us a wisp to add to it. All the bed-clothes we have is a single fold of a blanket, and a sheet. My wife and I use the blanket. The children all lie together, and have no covering but the sheet. There are numbers in the parish as badly, or worse off, than I am."

Mr. Lyons adds—"that man is as fair a sample of his class as could be produced; or rather he is a favourable sample, as he is an honest fellow well known, and befriended by his neighbours." He goes on to say that he has taken a census of the number and condition of the inhabitants of the parish: that there are 1618 families, making 9000 souls. This you will observe gives an average of a little more than three children to a family, so that the burthen of children is by no means large. Of this number, there were 751 MEN, barefoot; 3136 of both sexes, who in five years had not purchased one important article of clothing; 299 families with no blanket at all, and only 310 families with more than one blanket."

The wife of a labourer says, "We live in a deserted cabin, shifting our bed from side to side, according as the wind blows, or the rain falls from the roof. Myself and my children are so naked, that, when we go out to beg, I must take the blanket to cover us; the wetter the day the more we want it, and when we come home at night, we have nothing but the wet blanket to cover us. I have often made five parts of a potato, to divide it with my children."

Such is the condition of the family of the able-bodied labourer. But when he escapes from all this misery to the grave, what is the state of his family? Hear the

widow of one: "My cabin fell in soon after my husband's death. The neighbours built me a new one, but the rain comes through the roof, which is badly thatched, and beats in through the walls. I sleep on the ground, which is almost constantly wet, and often have not as much straw as would fill a hat. I have but a single fold of blanket to cover me and my children. I have had it eight years."

It was agreed, says the commissioner who reports this evidence, by all the by-standers, including several magistrates, clergymen, and farmers, that few widows of small landholders, much less labourers, *can be* better circumstanced than this woman.

"About five or six years ago," says a clergyman, "during a time of distress, I gave a kind of soup to some poor women every evening. One evening they came before the soup was ready. Some cabbage stumps were thrown out of the kitchen, and lying about. The pigs and fowls had picked them almost bare. I myself saw six or seven of the poor women *turn their faces* toward the wall, and eat the stumps the pigs had left."

If such is the state of the poor in health, what is it when sickness comes; and sickness is the sure consequence of this condition? Take one word from a physician: "In many instances, when I have spoken of gruel as necessary for the patient, I have been told I might as well order them claret, because they had neither the materials nor the turf to boil it. I have frequently found lying on the bare damp *ground*, without any covering, straw being considered a luxury, which the pig only, who pays the rent, has a right to enjoy." Did I exaggerate when I said that the poor man would not give a straw, *if he could get one*, for a mere change in the form of government, which should leave him destitute as before?

When I took up this subject, I flattered myself that I should be able to bring within the compass of one lecture not only the facts I have laid before you, but the inferences they suggest to my own mind. I persuade myself that you already anticipate much of what I have to say, and that a few hasty remarks might be

sufficient to possess you with my ideas, and to lead you to adopt them. But in a matter of so much interest, it is not good to take any thing on trust, and I therefore shall have to beg your patient attention while I endeavour to deduce the consequences that must necessarily flow from this state of things. But I must postpone this to another occasion.

At present it is proper to remark, that there is one important difference between the cases of England and Ireland. It is in the causes of this vast inequality of property. In England it has been the result of the encouragement to enterprise afforded by a system of laws which secure effectual protection to the rights of property of all men in all conditions. In Ireland it had its rise in conquest, confiscation, plunder and oppression. These indeed are not chargeable on the present owners of property in that afflicted country, but they are preserved (perhaps exaggerated) by popular tradition, and form, in the mind of the populace, the foundation of hereditary and cherished hatred of the English families by which most of the larger estates are held. This may very much increase the dangers which threaten the government, and all who find shelter under it; and in an equal degree abates our sympathy with the victims of any revolution which may take place, and mitigates our concern for any consequences which may attend it. But these considerations take nothing from the force of the argument derived from the example of England, to prove that the greatest inequality may proceed as well from justice and freedom, and good laws, as from tyranny and oppression, and misrule. In one thing both examples concur. They both teach the effect of this inequality, however it may originate. It is not perhaps greater in Ireland than in England. The destitution of the poorer classes is indeed greater; but the maximum of wealth, and the sum total of wealth in the higher is much less. But in both countries it ends in an intensity of wretchedness, which human nature cannot be expected to endure. Whether it will react under this oppression, and what will be the results of its reaction, are questions of great interest, not to the

parties alone, but to the world. The consequences of a political convulsion overturning the rights of property in a country connected by commerce with the whole earth, are incalculable. The means of averting this danger, if any such exist, are in the hands of those whom it more immediately and formidably threatens. What these may be, is the most important problem now presented to the political world. Whether they whose business it is to work it, are equal to the task; whether indeed they are conscious of the nature of the causes, which, deep below the surface, are working to prepare a convulsion, which may not leave one stone standing on another, of the whole fabric of government and society, may well be doubted. The fate of empires rests on the will of him who holds the hearts of princes in his hand. *Quem Deus vult perdere, prius dementat.* At present, we look in vain among the ministers of England for the names of men already made famous by virtue, wisdom, or firmness. The discussion of questions, on which her fate depends, is interrupted by the jars of personal rivalry for the favour of a queen whose thoughts are fixed on the adjustment of the head-dresses of her personal attendants, and the etiquette of her court. Poor girl! What else should she trouble herself about? Her accession has been hailed with acclamations almost as loud as those which welcomed Marie Antoinette to Paris, and her faithful subjects, zealous for her happiness, are mainly anxious about the choice she shall make of one to share her bed—her throne,—perhaps her scaffold and her bloody grave.* Is she then more secure than Belshazzar at his last feast? Is there no handwriting on the wall which it needs no Daniel to interpret? Will the spires of her churches still avert the lightning of heaven from that island so long favoured? Will the cries of her poor be drowned,

* Written in January, 1839. The ideas intended to be illustrated are not the less just because the queen has changed her position. It is fair to suppose that she saw her danger, and, renouncing the purpose of "enfeoffing herself to popularity," has determined to make common cause against a common danger with the aristocracy of her kingdom.

so that they shall not reach the ear of God, by the shout of emancipation from the West Indies? Will the wrongs of Ireland be forgiven to the cheap sympathy which so pathetically laments the hard lot of *our* slaves? Will Sabbath-schools and missionary societies atone for the gross license which pollutes the higher classes of the community? If such expectations be reasonable, and if the meek and lonely author of that religion which calls the whole earth to repentance, can be supposed to look with peculiar favour on a people who habitually boast themselves of their superiority over the rest of the human race, not only in wealth and elegance—in refinement, in science and in art, but also in wisdom, charity, benevolence, piety and every virtue, and especially in that repentance which mourns over all sins but their own, then may the fate which impends over them be providentially averted. What that fate will probably be, it shall be my endeavour in my next lecture to shadow forth with as much distinctness as the uncertainty which hangs over all the future will permit.

LECTURE XI.

The reader will be at no loss to discover, that the following discourse has been written long since those which precede, and those which follow it. It has in truth been prepared, while the rest of the work was in the press, to supply the accidental loss of two lectures of the series.

So far, gentlemen, I have endeavoured to show you how, by the reciprocal action and reaction of society and government in England, the constitution of that kingdom was gradually moulded into the form it wore at the beginning of this century. Until that time nothing had been done, since the first summons of the commons to parliament, which those best versed in

the subject consider as essentially changing its principles or its structure. The substitution of William and Mary for the catholic branch of the house of Stuart, is familiarly called a revolution. But so far as it affected the succession, it was *functus officio* at once. Its whole force was spent upon the abdicated monarch and his romanist son, and the crown has since descended according to the same fundamental law, and with the same powers and prerogatives as before. All else that was done was not to destroy, but to restore the constitution. The same lords and commons remained, and the great fundamental principles which had before been recognised and acted on, were distinctly proclaimed and ratified. The same king, lords and commons, together, still constitute the nation. This was a fact existing in the nature of the thing. That the commons are all present in the house of commons, is a fiction, but it is no new fiction. It had been received as truth for centuries, and it is still so received.

A people is, of necessity, omnipotent over itself, and when it is established that the king, lords and commons, are the *whole people*, it follows that all power resides in the government so constituted. It must have been so always, and continues to be so now. Is the king, as some have thought, the source of power? He is there present with all the power it may be his to exercise or to confer. Does all power proceed from the people? They are there, too, in all the plenitude of their power. The government, so constituted, is not merely a legislative body, but at its own pleasure assumes and exercises the functions which we assign to what we call conventions, assembled to change the constitution itself. It is, in truth, by turns, an ordinary legislature, and a convention, rarely acting in this last character, but ever ready and competent to do so.

It is to this strange fiction that the constitution of England owes its ductility and its permanency too. If it be asked what is the composition of this body which is called the commons of England; the answer is, that it is composed of as many representatives of the different *interests* in the community, as these different

interests choose to be represented by. How is this known? They have so declared it. The court of the feudal lord was at first open to all his feudatories, but, in this great barony of all, the inconvenience of personal attendance led to attendance by deputy, and in person, or by deputy, all are present.

But what if any interest be altogether unrepresented? Then the commons are not all present. None can be rightfully excluded. It was never intended to exclude any. Should a new interest arise, therefore, for which no representation has been provided, provision must be made for it. Hence the monied interest was allowed to throw itself into the decayed boroughs, and to intrench itself in these deserted fortresses, erected for the protection of interests that had ceased to exist. Thus it was, that, without any violent or marked change, but by a gradual course of alternate abrasion and accretion, the government of England took upon itself the form it wore at the opening of that which is called the reform parliament.

Even by that body, no change was made in the fundamentals of the government. An interest had arisen, (the manufacturing,) which demanded representation, and it was allowed. No part of the rubbish of the constitution was fit to be worked up for the purpose, and therefore the object was attained by summoning representatives from places before unrepresented. This, on the principles of the constitution, was quite right. It is not easy to say as much for the disfranchisement of the decayed boroughs, whereby the monied interest was deprived of the just representation it had provided for itself. No interest more needs protection, for none is exposed to so much danger. No interest can feel more justified in protecting itself *per fas aut nefas*. Hence the sudden growth of bribery in popular elections. No man can defend the morality of this; but they who deprived that important interest of the means of securing a representation to itself without corrupting the people, ought to have looked to this consequence.

I have said more on this curious and interesting subject than was necessary at this time. My object was

to call your attention to the fact that all diffusions of power in England have been consequent on the diffusion of wealth. Whenever a new interest arose, there was a new fund from which contribution to the necessities of the state might be demanded. If unrepresented, there was no one properly authorized to "give and grant," on behalf of such interest, and the most sacred principle of the constitution forbid that any thing should be taken from it, but by its own free gift. To deny it representation, not to grant it, would have been to change the constitution.

Now it so happens, that on all such occasions, power has been seen to pass from the few to the many: first shared by the king with his peers, and then with the more numerous commons. To a superficial observer, this may seem like a recognition of the mere right of numbers to self-government. But it was not so; when the barons demanded of the king that he should conform his legislation to their wishes, they did not say to him, "you are one, and we are many; and therefore it is more reasonable that we should make laws for you than you for us." By no means. But they said, "the legislative power is yours, of right. We deny it not, and we have no wish to usurp it. But we have our own peculiar interests, and we desire to see your legislation properly adapted to them. We have money, which you want, and which you cannot obtain but by our free gift. Now we will give you nothing, unless, in the use you make of the power, which we acknowledge to abide in you, you show a due respect for our peculiar rights, and provide safeguards for our distinctive interests."

It is common to consider the transaction of Runnymede as a sort of revolution. It was no such thing. It was a restoration of the constitution, which the king had endeavoured to change, by devising means to escape the necessity of calling on his court of parliament for extraordinary supplies. Had he succeeded in this, they would have lost their only means of pressing their grievances on the attention of the crown, and bartering so much money for so much immunity. When they

had prevailed, so far as to re-establish their right to grant or withhold supplies, they dispersed.

At first the peers did but make known their wishes; and when once the king had pledged his kingly word to comply with them, they voted the supplies and went away satisfied. The laws agreed upon were *afterwards* promulgated and expressed, to be enacted at their request or with their approbation.

It was not until Richard the Second violated a promise so given, that they saw the necessity of securing themselves against such breaches of faith by preparing the bills which they proposed for his approbation, in the form of laws, to be signed by him during their session. Hence the origination of bills in parliament, by virtue of which that body took on the appearance of a portion of the legislature; though, for a long time afterwards, the laws owed all their force to the potential words, "DOMINUS REX STATUIT."

In this we see the admission, first of the peers, and then of the commons, to a part in the highest function of government, and in both instances we see that this has been brought about by the diffusion of wealth, and not in virtue of any divine right of the many to govern the few.

But there is a point beyond which the diffusion of wealth cannot be carried, and I have shown you that England has already reached and passed that point. The opposite process of accumulation has been going on for some years. That great body of men of moderate but independent property that was once known as the commons in England, and which, in that character, curbed the power of the king and peers, above them, and gave law to a willing multitude below, has disappeared. A small part has risen up into the class of the very rich, and the great body of it has sunk down into the crushed mass of the abjectly poor.

In this state of things, the political theorist imagines that he sees an occasion for a new modification of the government. Seeing nothing in what has been formerly done, but the admission of numbers to a share of constitutional power, he suggests to the starving multitude

that that is the true remedy for all their grievances. He places himself at their head, and urges their demand on the actual depositaries of power. He does not perceive that the conditions of the problem are changed, and is disposed to trust to the same *vis medicatrix* in the constitution, which has so often worked itself free from other maladies. He sees an apparent analogy between this and the foregone distempers of the state which have been relieved by imparting political power to the discontented or oppressed. He remembers that the benefit resulting from this measure has never been attended by any countervailing evil. Why should evil result from it now? What reason can be given why the same old and approved remedy should not again be tried?

The same question was propounded in France half a century ago, and the answer, written in characters of blood and flame, is easily deciphered, but not so easily understood. It plainly announces that the conditions of the problem were essentially changed, and that there was some new cause at work, making a most disastrous difference in the result. What that cause was, seems not agreed to this day, for we still find the interpreters of the oracle differing about its meaning.

The solution given by those, who, at the same time cultivate the national prejudices of the English people, and endeavour to inspire them with a hatred for the institutions of their own country, is amusing enough. They settle the matter at once, by saying that they who decapitated Charles I., and established the reign of law and order under Cromwell, and who afterwards expelled James II., and founded the late constitution of England under William and Mary, were ENGLISHMEN. That is enough. The wretches, who, in the latter end of the last century, flew out, robbed, murdered, and destroyed—who not only killed their king, degraded and proscribed their nobility, and desecrated and despoiled the church, (all of which men are beginning again to think was right enough,) but laid waste the country, and confiscated all property, silencing the owners forever with their noyades and fusillades, and

mitraillades—what were they but *Frenchmen*—half-monkey and half-tiger? What better could be expected from them?

This way of treating and disposing of such grave questions may be well illustrated by an anecdote told by the ingenious Dr. Moore. A young Frenchman, having studied medicine first at Paris, and afterwards at Edinborough, was returning home through England, doubly provided with diplomas authorizing him to kill *secundum artem*. At an inn, one night, on his journey, he overheard a conversation between a sick man and his nurse. The patient was said to be dangerously ill of a fever. The doctors had prescribed the lightest diet and cooling drinks; but he took a fancy to a red herring, and urged the nurse to procure one. This she refused, assuring him the doctors said it would certainly kill him. Entreaties and bribes at length prevailed. The herring was cooked and eaten, and next morning the man was pronounced out of danger. "Mem:" wrote the Frenchman, in his note book: "red herring sovereign cure for a fever." Returning home, he used this new remedy freely, and his patients died. Made wise, as he supposed, by experience, the doctor subjoined to his former memorandum, the following: "N. B. Cures an *Englishman*, but kills a *Frenchman*."

Such was the reasoning of one who had only learned to prescribe for diseases by name, without learning to distinguish their various types, grades, and stages. Of a like nature is that of those who see nothing in revolutions but the results, without investigating or understanding their causes, and the circumstances under which they take place. It is the business of the political philosopher to look deeper than this, and to compare all the facts of the case with the corresponding facts attending those changes in the English constitution which the empyrics of France quoted at the time as examples for imitation.

In all former instances wherein concessions of power have been demanded by numbers, in England, the application might have been enforced by reasoning like this. Addressing the depositaries of power, the can-

didates for political enfranchisement might have said: "We have in all things the same common interest with you. The protection of the rights of all men in all conditions, (the proper function of government,) is as dear to us as to you; for our acknowledged personal and individual rights are, collectively, as numerous, as various, and as valuable as yours. The protection of the particular right of property, which, more than any other, needs the care of government, is especially desirable to us; for our property is not only dear to us to the extent of its intrinsic value, but we prize it as the reward of our own industry and enterprise. We cherish the rights of property, not only on account of what we already possess, but because, intending to pursue the same course of exertion which has made us rich, and to which habit has familiarized us, we expect to be yet richer. Animated by this purpose, we may reasonably expect, that our admission to a share of power, will not only fortify the rights of property, but will tend to develope all the resources of the country, by the disposition to encourage enterprise, which we shall carry into the government. What evil can you apprehend, that you should deny yourselves this advantage from our co-operation? Assuredly none; for we can do you no injury which will not equally harm ourselves. What motive then can you have for wishing to exclude us—(apart from that pride of place which reason will not recognise as an adequate motive)—what motive can you have, unless you have some design to use your power for your own benefit, and to our prejudice? If you have none such, you will admit us. If you have such a motive, the avowal of it would justify us in *insisting* on admission, and though you disclaim it, your obstinate resistance to our reasonable demand will lead us to doubt your sincerity, and determine us to urge our pretensions more strenuously."

Had the admission of the knights of the shires, and the deputies from the great boroughs, into the English parliament, been formally discussed between the king and peers on the one hand, and the commons on the other, this is what the latter might have truly said.

We have no reason to believe that any such discussion was had. History only tells us that they were summoned to parliament. But we can hardly doubt that thoughts like these passed through the mind of Edward, convincing him, that the supplies to be obtained by this concession would not be purchased by any sacrifice of interest or duty.

Compare this view of the matter with any that was offered by Sansculottism in France, or can now be offered on behalf of chartism in England. Political enfranchisement is now demanded on behalf of the whole population of the kingdom, without distinction, save of age and sex, on the ground that the interests of the demandants are totally and irreconcilably *opposite* to those of the present possessors of power. They complain that they are ruled without regard to their interests or rights, that they are wronged and oppressed, and therefore they demand admission to the exercise of political franchises, as a means of self-defence and self-redress.

It is not for us to decide whether their complaints are well or ill founded. What concerns us, (and that for our own sakes—not theirs,) is to consider what would be the consequence of granting their demands.

If the number of those thus seeking enfranchisement were comparatively very small, the indulgence of their wishes might be of little importance to either party. They themselves would derive little advantage from it, and the vast evil that would result from their presence in the councils of the nation, would be the facility with which they might be used for the purposes of the factious or perverse. Like the Irish representation in the British parliament of late, it might be their function to keep up the majority of a falling minister, or to embarrass the measures of his successor. This is all they could do; and this is an evil which attends the proceedings of all deliberative bodies. A greater mischief might be cheerfully endured (as in the case of Ireland) to pacify the discontented, and induce them to submit quietly to wholesome laws, by making them seem as if enacted by themselves.

But the case of English chartism is widely different from this. The men who are demanding admission to the polls very far outnumber all the classes now represented; and they demand it, that they may have an opportunity to assert, by legislation, what they may choose to call the *rights* of those, who, as the law now stands, have no right to anything but the wages they may earn from day to day. How would they accomplish this, without, in the first instance, conferring on them some rights, to be afterwards made the subject of legislation?

If, in a state of society, such as is exhibited in the evidence I have laid before you, the power of legislation were entirely taken away from the higher classes, and placed unreservedly in the hands of the starving multitude, we can plainly see, that the first use they would make of their power, would be to decree themselves something to eat.* Nor would they stop there. They would provide for to-morrow as well as to-day; for their children as well as themselves. In short, they would lose no time in legislating themselves into an exemption alike from labour and want, and into the enjoyment of at least an equal share of the property of the country on the easiest terms.†

Between this supposed case, and the establishment of universal suffrage, in a country like England, there is no appreciable difference. The higher classes, being still represented, would indeed be in condition to remonstrate against the wholesale robbery to which they would be exposed. But what effect would this have, but to exasperate their adversaries, and to furnish pretexts for the farther oppression of men who could be "so dead to their duty, to their country, as to prefer their own paltry interests to the general weal?" The lamp-post and the guillotine in France are witnesses to the danger of opposing remonstrances, or even argument, to the arbitrary will of triumphant numbers, in

* "*Cade.* Seven halfpenny loaves shall be sold for a penny; the three-hooped pot shall have ten hoops." *Shakspeare.*

† "*Cade.* My mouth shall be the parliament of England; and henceforward all things shall be in common." *Ibid.*

whom the sated appetite for plunder presently engenders the thirst for blood. How long would it be before not one stone would be left on another of either of the political or social edifice in England? What structure would take its place, who can foresee? In the meantime, the infinite variety of wretchedness which must overwhelm the whole community, and the innumerable crimes which would avenge themselves upon their authors, would make an aggregate of evil not to be endured for the sake of any future and contingent good. They who have the power to avert such horrors, are bound to do so. The very difficulty of the task but makes the duty more imperious, because it makes the danger more apparent and more frightful. Whatever effort, therefore, whatever peril, whatever sacrifice it may demand, all should be encountered freely.

Fortunately, as it may seem, this duty is confided to those who are urged to its performance by their highest and dearest interests. With the fate of revolutionary France before their eyes, and the analogy between the condition of the French masses just before the revolution, and that of the English now, it seems reasonable to expect that all other considerations, political or personal, would be disregarded, when put in comparison with the interests at stake, and the dangers that threaten them.

Fifty years ago, Edmund Burke said of the English people, that they looked up with awe to kings, with affection to parliaments, with reverence to priests, and with respect to nobility. So far as this is true at this day, there is to be found, in those sentiments, the best security for the permanency of a political system, which, while it endures, will protect the right of property, along with every other right it recognises. But what must be the consequence, should these sentiments disappear? What if they should give place, as they then certainly would, to the opposite feelings of contempt, hatred, derision and scorn? What would remain, but the mere physical strength of armed hirelings, to defend the higher orders against the rapacity and fury of the insurgent mass? And what security, that these myrmi-

dons of power, would not, in that extremity, there, as elsewhere, give all their sympathies to the mob, co-operate with those they were called on to suppress, and turn their arms against their masters?

It is impossible to listen to the magnificent descant in which the great political seer I have just named, celebrates the glories of the British constitution, and proclaims its dangers, without feeling that we hear the voice of inspiration.

"So long as the well compacted structure of our church and state, the sanctuary, the holy of holies of that ancient law,—defended by reverence—defended by power, a fortress at once and a temple, shall stand inviolate on the brow of the British lion,—so long as the British monarchy, not more limited than fenced by the orders of the state, shall, like the proud keep of Windsor, rising in the majesty of proportion, and girt with the double belt of its kindred and coeval towers,—so long as this awful structure shall oversee and guard the subjected land,—so long as our sovereign lord, the king, and his faithful subjects, the lords and commons of this realm—the triple cord which no man can break; the solemn, sworn, constitutional frank-pledge of this nation; the firm guarantees of each other's being and each other's rights; the joint and several securities, each in its place and order, for every kind and every quality of property and of dignity,—as long as these endure, we are all safe together—the high from the blights of envy, and the spoliations of rapacity; and the low from the iron hand of oppression, and the insolent spurn of contempt. Amen! so be it; and so it will be,

Dum domus Æneæ Capitoli immobile saxum
Accolit, imperiumque pater Romanus habebit.

But if the rude inroad of Gallic tumult, with its sophistical rights of man, to falsify the account, and its sword as a makeweight, to throw into the scale, shall be introduced into our city, by a misguided populace, set on by proud great men, themselves blinded and

intoxicated by a frantic ambition, we shall, all of us, perish and be overwhelmed in one common ruin."

Can any doubt what judgment the author of this rapt prophetic strain would form, at this day, on a proposal to admit the lower classes in England to a representation proportioned to their numbers, and to submit the destiny of the kingdom to the votes of the majority, "told by the head?" But what need of prophecy—what need even of the experience of revolutionary movements elsewhere, to tell us what the result must be! The idea that such a multitude of starving wretches, as are described in the testimony I have laid before you, when placed in the immediate presence of the great object of their desire, and armed with authority to appropriate it, according to the forms of law, would hesitate to do so, is too preposterous to merit the respect of refutation and exposure. No man, capable of thought, can entertain it; and all such who wish to furnish the facilities for such a consummation, as surely desire and design it. Are there none such, even among men of light and leading? The answer may be given in the single word "chartism," and in the names of its numerous advocates at the hustings, in the press, and even on the very floor of parliament. Who and what are these men? Let no man permit himself to despise them because heretofore they have been obscure. They may not be wise or enlightend, but they are efficient—armed with a talent the more potent for mischief, because not regulated and directed by other and more valuable talents. It may be found associated with extravagance, with folly—even with madness. What then? Is the lighted match less dangerous because he who bears it is a madman? What were they but just such madmen, who gave a voice to the inarticulate thoughts and wishes of the Paris mobs, and pulled down the whole political and social fabric of France, and buried themselves beneath the ruins?

The actual constitution of Great Britain is the only obstacle that stands between the hungry and countless multitude, and the abundant wealth which they see heaped up on every side, in every form that can tempt

desire. While the inequalities of property were less than they now are, and those interested in protecting the rights of property were more numerous in proportion, this barrier appeared too strong and too well defended to be attempted. But the number of the defenders is less, and that of the assailants far greater. The sufferings of the multitude are much increased, and, just in a like degree, does wealth more and more insult their distresses by its gorgeous ostentation. There is a point, up to which numbers may be held in check by the steady countenance of a few men, and even of a single man. Let them not be too numerous to hear the voice they have been accustomed to obey, and they may obey it still. Let them meet the flashing eye which speaks the spirit of command, and they may quail before it. But with men in great tumultuary masses this cannot be; and the courage with which they then inspire each other is a fearful thing. Then he, however brave, who stands alone to encounter it, quails and blenches in his turn, in view of a danger overwhelming in its vastness, hideous in the deformity of rage, appalling by its inarticulate mutterings and savage hootings. Like a thunder-cloud, its approach, onward and still onward, permits no parley and shows resistance to be vain. So circumstanced, the characters of men are totally reversed; and cowards display the intrepidity of heroes, while the sword falls from the nerveless hand of the brave. The fall of the Bastille is an instance of this sort, where a handful of men, of tried courage and steady discipline, found themselves paralyzed by dismay, though but called to defend a fortress, deemed impregnable, against an unarmed mob. But the defenders permitted themselves to look into the faces of the assailants, and read the eager, ravening expression of their hungry eyes. In that moment they were lost. The joints of their loins were loosed, and they became as dead men; and the castle was stormed by means which a child, animated with the spirit of a man, might have baffled.

Is not the situation of the privileged few, resting, as yet, with a feeling of security, within the strong fortress

of the British constitution, something like this? They deem themselves safe, surrounded by that "double belt of kindred and coeval towers." But let the cry once be heard, "to the Bastille! to the Bastille!" issuing in horrid accord from millions of throats; let but the wolfish glance of eager famine fasten on its prey; and it should cause no wonder if that, which men think themselves prepared to defend to the last extremity, shall be surrendered without a struggle. With or without a struggle, *if the attack is made*, it will succeed. The time has been when nobility trampled down the rabble like grass. But nobility then rode to battle on a mailed charger, cased in armour of proof, which defied the feeble weapons of the multitude. The silken robe of modern nobility affords no such protection against the pike. In that day the prowess of the leader was in his strong right arm. Now it is in the mind; and what is intellectual superiority in the storm of a tumultuary insurrection? The iron duke himself, would be but a man of straw in the hands of a mob. The office of mind is to *prevent* such scenes.

How are they to be prevented? By cultivating in the people those same sentiments which have heretofore protected the higher orders of the state from the rapacity and brute force of the multitude. That same awe, that same affection, reverence, and respect, which have heretofore bucklered the breasts of king and priest and noble, must be revived and cherished. It is superfluous to say that they do not now exist to the same extent, or with the same intensity as formerly. The fact is alarmingly notorious. The cause may be found, in part, in the increased sufferings of the lowest class, in the increased multitude of the sufferers, in the more extravagant waste and ostentation of the rich, and in the great gulf between them and the poor, which has swallowed up the middle class, and, like that between Dives and Lazarus, seems to render sympathy impossible. These causes, and such effect as properly belong to them, are the necessary results of that advance in prosperity, which it is vain to speak of as an evil. To turn back its course, or even to check its

progress, is not to be thought of. The thing is done. With its good and its evil, it is one of the conditions of the problem to be worked. What is to be done with it?

However difficult it may be to answer the question in detail, it is easy to give an answer, in general terms, as true as it is obvious. It is that they, whom it concerns, should seek out the causes which originally invested these objects of popular regard with that *prestige*, which has so long made them sacred; and, by all possible—all imaginable means, strive to renew and increase their activity.

Foremost among these was the military renown of England, gained in conflicts, on which the safety of the nation, and the well-being of the humblest of its people depended. In whatever of glory was won in these struggles, the common soldier had his share; and, when he fell on the battle field, his humble friends at home felt that his blood had been shed for them. It was the struggle with the Dutch for the mastery of the narrow seas, that made every man in England, in thought and wish, a naval hero. It was the threatened invasion of England by France, that made every man, in heart, a soldier. When the victory of Waterloo, after the agitations and perils of a quarter of a century, first restored England to a sense of security, every soldier that returned from that field of carnage and glory, was the Wellington of his own village. The honours and rewards that awaited him at home, were according to his measure and capacity, the same as those conferred on his illustrious leader. Even in these he seemed to have a share: and every true English heart rejoiced, when the conqueror of the conquerors of the world retired, to the enjoyment of such honours as no man had ever won, the price of such services as no man had ever rendered.

All loyalty first took its rise from such sources. The honours of the warrior descend to his posterity. The lawgiver, the statesman, is hired by the job. When he has received his penny there is nothing more that he can claim. Chatham may seem an exception, but he

made the glory of Wolfe and Hawke his own. But who ever heard of the founder of a dynasty who was not a soldier? And why is it that modern nobility, the nobility of the gown and counting-house, looks low and base, in presence of those who trace their honours to men that won them in the field of Hastings? What new-made peer, but would gladly exchange his new-made robe, for the tattered remnant of one that had been worn at Runnimede? How true to this sentiment are the spirit-stirring words, put by Shakspeare into the mouth of Henry V. at Agincourt!

> ——"Then shall our names,
> Familiar in their mouths as household words,
> Harry the king, Bedford and Exeter,
> Warwick and Talbot, Salisbury and Gloucester
> Be, in their flowing cups, freshly remembered."

These, and such names, are the objects of that far descended admiration, that engenders respect for the order they illustrate. They are a patent of nobility far prouder than any that kings can confer. What man, animated by that true sense of honour that achieves all greatness, would exchange the name and lineage of Talbot, Neville or Percy, for any fire-new title hot from the mint of royalty, given in exchange for a name already forgotten. The decayed descendant of an illustrious line may win a peerage. He has but to show himself worthy of the name he bears. But though the dukedom of Northumberland should be conferred on a man of obscure lineage, he must still say,

> No drop of princely Percy's blood
> In these cold veins doth run:
> With Hotspur's honours—blazon name,
> I yet am poor Smyth-son."

The satire here owes all its stinging keenness to the universality of the sentiment of which I speak. Sir Hugh Smithson, who married the heiress of the house of Northumberland, was a sensible and good man,—perhaps a brave one; but he was no Percy. Parliament gave him the name, and the king made him a duke. Still he was no Percy, and whatever respect for nobility

might be cherished by the followers of that noble house, could never find its object in him.

But why multiply instances to prove that of which you all are conscious? The wisdom, which learns to think more highly of the honours purchased by long and faithful devotion to the cause of humanity, or to the civil service of the state, than of that won by the sword, is of the slow growth of time, matured by reflection. It is a wisdom of which the multitude are incapable: of which even you, with all your opportunities, are incapable. What are the names in history, which your young imagination delights to recall? Is it the wisdom of Socrates, the justice of Aristides, the philosophy of Plato that awakens your enthusiasm; or the death-struggle of Thermopylæ, and the victories of Salamis and Marathon? Were you a Greek, would you choose to trace your descent from Solon or from Themistocles? And had not the bloody policy of Henry VII. swept the race of Plantagenet from the face of the earth, what Englishman would not feel more real pride, in bearing worthily that proudest of all proud names, than in all the honours of the peerage?

It may deserve consideration therefore, whether, in cultivating the arts of peace, at the expense of the warlike character and habits of the people, and permitting the chain of sympathy between the soldier and his chief to rust away, the statesmen of England do not hazard the loss of much of that peculiar sentiment which first disposed her people to "look up with respect to nobility." England indeed still wages wars, but they are wars in which the people of England take no interest. Their newspapers may do what they can to excite enthusiasm on behalf of men of whom no one ever heard, until they acquired an unenviable celebrity in a contest with the savages of Afghanistan, or in struggling through the defiles of Cabul, and over the snows of the Himmelayan mountains. I mean no disparagement to them. They fought gallantly and suffered bravely. But what were they doing there? Were they warding off a danger that threatened the English peasants' fireside, or the liberties of his country? No. He has per-

haps a friend there, a brother or a son, pining in the dungeon, or bleeding beneath the sabre of a turbanned despot: or who, perhaps, has given his life to win a victory for the benefit of the merchant princes of London, and this is all the connexion he has with the matter. The wars which made the names of Douglas and Percy the most popular names in Scotland and England respectively, were border wars. The poor woman in her cottage, as she hugged her infant to her trembling breast, could hear the clash of arms, and the shout of triumph, and she rushed forth to meet the victor, who had saved herself and all most dear to her, and gratefully devoted her children to the service of him and his forever. What wonder, that of all the poetry the pen has ever traced, there is none so stirs the English blood, as the rude ballads which tell of Otterbourne and Chevy Chase? If the English peasant is to be again what he was, war must again come near him. He must again hear its roar across the channel, and the thunder of naval battles must again echo through the narrow seas. Every man in England down to the very lowest, will then again feel that he has a part in her glory; and they who achieve it, and the monuments that celebrate it, and the institutions that perpetuate it, will again have an interest for him. He will connect her ancient with her modern renown; he will delight to trace the heroes of her more recent triumphs back to their descent from the men who fought at Creci, Poictiers and Agincourt, and will cherish and respect an order in the state devised to carry down honours, from the ancestor who nobly won, to the son who worthily wears them. This is human nature; and, while man continues what he is, such honours will never cease to be an object of respect, and to be accorded without grudging or envy. Even at this distance, and disconnected with England, as we are, *we* take an interest in these things. The names, that make a part of the history of her ancient glory, still have charms for us; and we feel indignant, when the honours of the peerage are so bestowed, as to degrade the descendants of the iron barons of old, by placing on a level with them men of to-day, who owe

their elevation to the arts of peace, or to success in the self-seeking pursuit of private gain.

I beg not to be understood as denouncing as impolitic the present pacific policy of Europe, and especially of England. Whether wise or unwise, the spirit of the age demands it; and this it is which gives such fearful importance to the ideas I have just advanced. This policy or impolicy (whichever it may be) is not a thing of choice, but of necessity. It has its place in the appointed order of things, and will continue until that to which it has been ordained shall have been accomplished. Whether it be appointed by God to be the means of bringing down the pride of a self-righteous, pharisaical, and self-applauding generation, is not for me to decide. But it has its causes deep seated and uneradicable in the nature and actual condition of things. The spirit of the age is essentially, inveterately and necessarily pacific; for it is an age of luxury and ease, and self-indulgence, and improvement in all art and in every science, and, above all, it is an age of *Cant*. Armies will indeed be still kept on foot, for they are necessary to secure the subordination of the lower classes. Younger sons of noble families will still quarter themselves on the army as they quarter themselves on the church, and for the same reason. They did this last during the Godless æra of the French revolution. Did this prove that the English were a religious people then? As little does the other prove them to be a military people now. The very romances which profess to be written in a military spirit, show it to be nearly extinct. A taste for excitement, the desire of military promotion, and contempt of danger will always be found in the young men of a certain class. But something more than these is necessary to make the soldier, and much more is necessary to secure that community of feeling between the officer and private, which alone can make the latter feel himself exalted by the honours conferred upon his leader. "I have eaten better, and could eat worse," said Charles XII. of Sweden, after having satisfied his hunger with a piece of bread brought to him by one of his soldiers, with a complaint

that it was not fit to eat. Who, after that, thought of complaining: and who could hesitate to follow him through all the hardships of his Russian campaign? Do we find the British officer now content with ration bread? If he does but miss one meal, he calls it starving. No: he must have his catern and his kit, his cayenne and mustard and champagne; and while the soldier must put up with his share of such coarse provision as the commissary can provide, the officers' bivouac is often a scene of luxury and riotous enjoyment. In that sort of warfare, in which nations struggle for existence, however he might brave the dangers of the field, his spirit would sink under the privations of the camp.

It is true that men are rarely so enervated by luxury and indulgence that they do not still like an occasional taste of danger, and of something that may look like hardship. The love of variety disposes them to this; and it is only *by way of variety*, that they resort to it. The pampered epicure procures an appetite by such means. It furnishes the best sauce to his dainty viands, and he values it, like any other sauce, *because* he is an epicure. But as to a love for the hardy sports and vigorous exercise that "toughen manhood," it is fast disappearing. The national fox-chase is assuming the character of an oriental hunting-match. The fowling-piece is now used, not as the companion of a long day's walk, in which the sportsman toils for the materials for his supper, but to be carried in a pony phaeton to some well stocked preserve, and employed to slaughter hundreds of birds, made tame as barn-door fowls by the security in which they have been bred.

The saddle-horse, once the pride of the English gentleman, is no longer valued but as a toy. M'Adam first, and steam and rail-roads since, have made him worthless. It is a generation that moves altogether upon wheels, and squire Western, mounted on brown Bess, and, journeying from Somersetshire to London, would, at this day, be as strange a sight as a Hindoo in his palanquin, or a Chinese lady borne on the shoulders of a servant. The horse, no longer wanted for the sad-

dle, is not now bred with a view to that admirable combination of speed and bottom, that forms the perfection of the animal. Instead of the tough four-mile racer, it is now their pride to produce the light and airy creature that spends all his powers in a single mile. The rest are for the dray or post-coach. Among horses, as among men, the middle class, the generous hunter and the gallant roadster, have disappeared with the country gentlemen that once lived on their backs.

That these things are so, is not a mere caprice of taste. They are so, because, in the nature of things, they must be so; and, while they continue, the people of England cannot be a warlike people. No doubt they have still a taste for the pomp and circumstance, and pageantry of war, and so had the soldiers of Xerxes. But even in this, their taste is changed. "The spirit-stirring drum, and the vile squeaking of the wry-necked fife," are all too harsh for ears instructed in all the mysteries of harmony. Instead of these, their delicate and cultivated tastes require an orchestra as skilful, as nicely balanced, as scientifically arranged as that of a theatre. The Persian monarch had his musicians too, and he and they were the descendants of Cyrus, and of the men who followed Cyrus in his career of victory.

England doubtless has, and long will have, gallant officers and well trained soldiers, quite sufficient for all her purposes of remote conquest, and well qualified to suppress Manchester insurrections, and to disperse Irish monster meetings. There will always be enough of fiery and restless young men, who can see no other opening to fame or fortune, to such commissions in the army, and more than enough of those "cankers of a calm world and a long peace," that fill her ranks, to crush the whole Hindoo race, and to chase the inhabitants of the celestial empire across their Tartar wall. But that military spirit, which, animating a whole people, makes the pride of military glory the master passion in every breast; which, in the days of Pagan darkness, elevated the hero to a place among the gods, and, in more enlightened times, has awarded to him

and his posterity honours only *not* divine; that spirit must sleep until some new and alarming political event shall rouse it into action. The history of our own revolution shows how much of it was lost in the long peace that followed the war of '56. Again it slumbered, and again it was awakened by the internecine struggles caused by the French revolution. Since then, a peace of nearly thirty years, during which the nation has advanced so rapidly in wealth, luxury, and refinement, has nearly extinguished it. Some new convulsion, or some new struggle for the empire of the seas, with France, with Russia, perhaps with ourselves, or all combined, may fully restore it. Should the constitution of England endure till then, and should her arms be crowned with success, *not too cheaply won*, (some half a million of her starving population being first swept away,) the rest may again be found "looking up with respect to nobility."

We have the highest authority for believing that perfect happiness and perfect virtue are not for any portion of the human race, until God himself, by an agency which all the universe shall recognise as divine, shall bring in the millennium. Until then, we must be content to buy our blessings at a price; and, even in our advance to moral excellence, we must expect that the cultivation of one class of virtues, may be attended with the decline of some other. The awe with which a people look up to kings, their affection for parliaments, their respect for nobility, all have their root in the love of country. Take this away, and there is nothing to give birth to these sentiments, and nothing to requite the sacrifices they may demand. And why do men love their country? There is certainly some other cause besides the mere instinct which attaches even brute animals to their accustomed range. Were it not so, then would the sentiment be uniform in its character and intensity. But compare it as it now exists with that which characterized the petty states of antiquity, when the names of stranger and enemy were nearly synonymous; when he who set foot on a foreign soil incurred the risk of death or bondage; when a

nation, fitting out an expedition of conquest, promised her soldiers, not a paltry sixpence a day, but the country they might conquer for a home, and the inhabitants for slaves; and when the power of the state afforded the only security, that they themselves might not suffer the like inflictions from the enemy. In such a state of international law, we can see no reason to wonder at self-sacrifices, which, at this day, no man thinks of. The humane character of modern warfare has already made a change in this, and, by making the protection of the state less necessary to the safety of the individual, has much abated his sense of the value of military service. There is certainly something very engaging in the idea of universal philanthropy, but let it be so far realized, as that wars shall cease, that the Englishman shall know no difference between his own countryman and a Frenchman, and he will presently know no difference between his own country and France, except that the one taxes him, fines him, imprisons him, hangs him, and the other does not. He is become a citizen of the world. If England should sink in the ocean, France will open her arms to receive him; and he can be taxed, fined, and imprisoned there as well as at home. He must indeed exchange the gallows for the guillotine. But that is a mere matter of taste. Some might prefer it. He will find there too a king for his awe, a parliament for his affection, a nobility for his respect, who will do as much for him as his own are like to do. Even the priesthood might be to him an object of reverence, notwithstanding the mass, now that philanthropy discountenances all prejudices; and the champion of the Catholic church is the vowed apostle of liberty; and the pope is understood to be the head of the democracy of christendom. There is something very amiable in the exchange of morning visits between Windsor castle and the Chateau D'Eu, and in the call of the Emperor Nicholas to leave his card at St. James'; and something very picturesque in the *embrassemens* of Queen Victoria and Louis Philippe. But if, while the people of England behold these things, they should chance to ask, "why then the army? why then the navy? when

then the taxes to support both!" it might be troublesome to find an answer. What then would be military renown but a relic of barbarism, exploded by the new civilization; and what merit could a Talbot claim for being descended from one who had made his name the terror of France? They who propose to themselves the honour of breaking down all national prejudices, would do well to think of these things. Foreign war is an evil, but not the worst evil. Who would purchase peace abroad by discord and insurrection at home?

And yet, should Sir Robert Peel view the matter precisely in this light, and desire to raise up a war as a storm to clear the political atmosphere of its pestilential vapours, it may be doubted whether he would not find his hands tied. The realm of England is no longer wide enough to afford the necessary variety of entertainment and enjoyment to the multitude of men burdened with money they know not how to spend, and wearied "with the overlaboured lassitude of having nothing to do." The millionaire would insist on being permitted to divide his time between his own preserves, London, Paris and Vienna; with an occasional jaunt to Florence, Rome, or Naples; and England, in her turn, must submit to be drained of her substance, by a system of absenteeism little different from that which has ruined Ireland. However much the statesmen of England may desire to restore the taste of her people for military glory, the spirit of the age steps in and forbids it.

Is then the glory of England departed? By no means. Never before did she fill so large a space in the eye of the world. Never before was her influence so extensive, her power so widely felt, and so fully acknowledged. In her own estimation she stands pre-eminent in all that constitutes greatness, and proudly proposes herself as an examplar to the world in every science; in every art; in every duty; in all that makes for the temporal and eternal welfare of man. But what is the foundation of this power, and of this boast? It is her wealth.

I do not propose to discuss the justice of her pretensions to this high eminence. Its effect upon herself is the thing for our consideration. That the mass of her people are none the happier for this wealth, we have already seen. That the proportion of those thus distinguished by the goods of fortune is diminished, is equally certain. Whether the enjoyments of the favoured few, whose cup was already full to overflowing, are at all increased, is a question for philosophers of the school of Apicius, and for such statesmen as Elagalabus.

The question with which we have to do is quite different. It may be stated thus. The respect with which the people of England looked up to nobility, having taken its rise in services, in which every man in the community felt that he had an interest, and in achievements, in the glory of which every man had a share, how far may it be revived and kept alive, in consideration of a wealth, in which the multitude have no part, and a splendour that insults their poverty? It is needless to discuss this question. The answer is involved in the very terms of it.

But whether the ancient prestige in favour of the higher orders of the state is to be thus revived or no, in some way it must be done. And yet there is much reason to doubt, whether there are not, in that actual constitution of society, which renders something of this sort so urgently necessary, causes which will prevent a resort to the only adequate and appropriate means.

When the pride of England was in feats of arms, her most distinguished warrior was always esteemed her most illustrious man, and to him the richest rewards, the highest honours, and the foremost place, were unanimously awarded. The last, to whom this description could apply, still lingers on the stage, and while he lives the most presumptuous will scarcely venture to contest with him the palm of distinction. But this is not so much because England herself now estimates him at his full value, as because his fame, filling the world, constrains her to be proud of that, on which others look as the proudest jewel in her crown

of glory. But even now, while yet his star is above the horizon, it may be seen that his just pre-eminence is reluctantly acknowledged by some. Military renown is not now the highest boast of England. Her pride is now in her wealth, and they, who stand pre-eminent for wealth, may be seen struggling to establish an order of things, in which the precedence shall be assigned to them.

It is not on the floor of parliament, or at the hustings, that they urge this pretension. It is in the saloon—the social circle—the arena of fashionable life, that this contest is to be decided. The spirit of the age does not permit that the highest noble in the land should deny the perfect social equality of any well educated and well bred gentleman. But were this otherwise, were it possible and even admissible, that nobility should claim to be a separate class in society as well as in the state, suffering no commoners in their social circle but as of grace and favour, the slight would soon be retorted with scorn. Wealth would be at no loss to establish a rival clique, and, by its splendours, its luxuries, and its patronage, to draw away from nobility the grace that adorns, the wit that enlivens, the talent that elevates society. The wealthiest of the peers would begin to see that they have more in common with the rich commoner, than with the reduced noble, and, being put to choose, would rather join the circle in which they may fully display and enjoy their wealth, than remain in that, in which their magnificence would seem offensive ostentation to the less affluent members of their society. Reasoning *a priori*, it might be seen that this would be so, and, looking at the fact as it exists, we see that it is so.

It is true that many of the nobility are among the wealthiest men in the kingdom. Many have become so by the effect of general prosperity on the value of their hereditary landed estates. Others have sought the alliance of wealth in all the ranks of life. Moreover, since wealth can no longer obtain a share of political power, through the rotten boroughs, it seems to be recognised as one of the grounds on which a place

in the house of peers may be claimed. From all these causes, it happens that the peers of great wealth are numerous enough to establish among themselves quite an extensive social circle. It is in their choice, if they think proper to do so, to make it quite exclusive—to shut out untitled opulence on the one hand, and beggarly nobility on the other. To accomplish the first, it would be enough to will it. To exclude the less wealthy members of their own order, nothing would be wanting but a style of dress and ornament, of equipage and entertainment, with which they could not vie. No incivility, no neglect would be necessary. The descendant of the conqueror would, of himself, decline to receive hospitalities he could not reciprocate, and to share splendours which would shame his own inferior establishments. He would stand aloof, and endeavour to preserve as much as possible of his ancestral dignity by avoiding disparaging comparisons. Placed thus between two classes, both of which may be supposed to be desirous of moving in that highest sphere of fashion, to which the wealthy peer of course belongs, it is in his choice to exclude both, or to admit both, or either alone. To make it acceptable to the one, he must restrain his passion for ostentation and extravagance, and, perhaps, in some degree, his taste for luxury and splendour. With the other, he may give free scope to all these. It is true, that, for all purposes of human happiness, the wealth of the Indies is no better than an ample competency. Perhaps he believes this; but he would like to know it by experience. He would like to try whether, peradventure, he may not discover "some new thing under the sun." It may be nothing better than a new sauce; but for that a Roman emperor offered a large reward. Perhaps he would like to learn wisdom, by the experiment, like Solomon, and be able to say, with him and poor Beckford, "It is all vanity." Whatever be his motive, he makes up his mind to court first the fellowship of the rich, and to invite his associates to vie with him in magnificence and costly luxury. It has thus come to pass, that the highest circle in England is one in which no man of moderate fortune can

move, on terms of reciprocity, without involving himself in swift destruction. Men of talent, men of wit, and women of beauty and accomplishment, are indeed made free of it on cheaper terms. But these, if they will understand it, are a part of the entertainment, as the whole tribe of led captains, toadies, and parasites, in all degrees and stations, are a part of the establishment of their patrons. But he who belongs to neither of these descriptions, and whose wealth does not far exceed that, which, fifty years ago, made the possessor an object of envy, cannot come into this circle as an equal, as one, who is to return, in kind, the courtesies and hospitalities he receives, but at the certain penalty of utter ruin. Such is the actual condition of society, and I have endeavoured to show you, that it is so, not by chance, nor because of the particular tastes or caprices of particular men, but because in the nature of man, and in the actual condition of things, *it must be so.*

This leads to some consequences, which, reasoning *a priori*, might not have been anticipated. But it may be seen that they have naturally and perhaps inevitably taken their rise in this state of property and the consequent arrangement of society.

I have already remarked, that, formerly, the task of the producing classes was to supply to their superiors, first the necessaries, then the comforts, and then the luxuries and elegancies of life. These seem to comprehend all that man can want. But a thing may be neither a necessary, a comfort, a luxury, nor an elegance, and yet, by the laws of society, it may be made so indispensable to have it, that it must be procured, at whatever cost. Though of no value in itself, it will thus, if rare, be made to command a high price; and if, in the nature of the thing, the supply be limited, the price may be pushed to a very great height. This is often done by means of monopoly and forestalling, and other arts of the seller. But what if the seller and buyer both concur to effect the same object? Such a case seems plainly impossible; but such cases do actually occur, when a number of wealthy men desire to

establish society on a principle which shall exclude all who have not money to throw away. Let a tradesman be encouraged to monopolize the article, at the highest price, and assured that that price shall be returned to him, with a profit large enough to satisfy his most unreasonable wishes. If the article is perishable, he is not only to be paid for what is bought of him, but the price must afford an indemnity, and a profit, too, on all that perishes on his hands, for want of buyers. This strange sort of arrangement is actually, though, for the most part, tacitly made. If faithfully kept, the dealer's fortune is made: but it seems strange that men should be able to bind, not only themselves, but others, by such an arrangement. But the discipline of fashion makes this quite easy. Every member of the clique must be seen to make use of the article, and he must procure it from a particular dealer agreed upon, who will expose him if he does not. The consequence of such an offence is, that (to use the elegantly vulgar, fashionable phrase) he is forthwith cut, and put out of society.

This is the sort of machinery, by which men are made to live in that daily manifestation of contempt of economy, and recklessness of extravagance, which are the indispensable requisites to admission into a society of exclusives, made up of men who have money to throw away. Something of the contagion of this may be seen among ourselves; for the frog in the fable did not labour harder to swell himself to the size of the ox, than certain men among us do to ape the fashions of England. One class of follies may remind you of something in your own experience. A gentleman in London, finding it inconvenient to go home to dinner, dines at a public house. He may get his dinner at one house for a crown; but there is another particular house, where, for no better fare, he may have the honour of paying a guinea. Now "every body" (a name by which the exclusives designate themselves) frequents the guinea house, the keeper of which is encouraged to charge a guinea for his mutton chop, that others beside *every body* may not go there, and disgust *every body* by

their vulgar presence. If you analyze your own feelings, young gentlemen, to discover why it is that an oyster supper and a bottle of champagne, at the Raleigh, are so much better than the same articles which may be had elsewhere for half the money, you will probably find that the influence which has given rise to this preference, has come across the water.

But in the society of which I speak, in England, this example is but one in a hundred of the contrivances by which they who claim a place in it, are made to spend twice or three times as much as is actually necessary to procure all that they do enjoy. Now how comes all this? It is all conventional, and established by an understanding among those whose purses it drains. They choose to have it so. And why? It shuts out of their society many men highly respected, enlightened, refined, honourable and virtuous, and of considerable wealth. It shuts out many noblemen of far descended honours; and it admits not a few who have nothing but wealth to recommend them. What then? Does it not thus give to wealth at least the semblance of superiority over those personal qualities which men have heretofore been accustomed to respect? Does it not elevate the gilded crest of the *millionaire* above the coronet of the noble? Does it not teach the noble himself, who belongs to the clique, to feel more pride in being the lord of thousands, than in being a lord of parliament?

But is wealth, in truth, thus raised to a higher place in the respect of the world? No. Nobility is but degraded by it. Wealth insolently sneers at nobility in in rags; and nobility, in turn, galled by the sneer, and seeking to conciliate the countenance of wealth, degrades itself in the eyes of the multitude, by seeking the alliance of gilded infamy. But for the ascendant of wealth in the world of fashion, it could hardly be expected, that a peer, of the highest rank, and of royal lineage, would dishonour his order, by sharing his title with a prostitute, whom a rich banker had first made his mistress, and then his wife. In doing this he outraged the opinions and feelings of his equals in rank,

and degraded nobility, in the estimation of the lower orders, that he might secure a place in that society, in which wealth is the great condition of membership. How many examples of this sort would be necessary, to bring the peerage into contempt, by making it manifest, that the honours of the peer are contemptible in his own eyes, when compared with the gilded splendours, in which the low-born and base may outshine him? Such an instance, *did it stand alone*, would be the theme of gossip for a week, and then, the parties having been consigned to infamy, would be forgotten. Such would be the result among ourselves. A man of respectable name offending in the like kind, would never dare to look any gentleman in the face again. The history of the affair might be found in some scandalous chronicle, but I should not offend *your* self-respect, or *my own*, by speaking of it here.

But it does not stand alone. There may be no other exactly like it, but it belongs to a class, and is one of the many symptoms of a disease in the body *social*, which infects the body *politic*, and endangers its existence. The example *itself* may arise from peculiarities in the character or circumstances of the *individual*. But the manner in which *society* receives it is independent of these. That such things should be endured by the most refined, enlightened, and moral class, of a most moral nation, is a fact that may well provoke our special wonder, and proves the existence of some deep-seated, potent, and pernicious influence.

The cause is certainly not to be found in the moral character of the nobility of England. Far from it. There is, perhaps, no class of men in the world, which, taken as a whole, is distinguished by so high a tone of morality and honour; certainly none of such refinement and delicacy of manners and sentiment. There is no class, so abounding in men of distinguished talents, whether elegant or useful, and by every quality fitted to secure respect and influence. What shall we say, when we see that gilded infamy has the audacity to claim a social equality with such men, and power to enforce its claims? What and whence is this power?

We cannot doubt that nobility submits reluctantly. And what is the necessity that compels submission, but one that grows inevitably out of the actual condition of property?

Fifty years ago it was said of the king of England that he was simply the first *gentleman* in his dominions. This was his highest praise as a man. His tastes and amusements were those of an English gentleman. He amused a part of his leisure with a little farm; he rode on horseback quietly and nearly alone, and joined the chase, and followed the hounds like an English squire. It was his duty and his pride to be, in his manners and habits, what every good man would wish to be, and what every man of independent property might be.

Is this the example set by royalty at this day? The morality of the court is of course elevated, as it always must be under a female sovereign who cherishes the appropriate virtues of her sex. But, in all things else, royalty itself is compelled to conform to the prevailing taste of the age, which demands, not more that the queen should be distinguished by maidenly and matronly virtue, than that she should eclipse all the world in splendour. Elizabeth on horseback, at the camp of Tilbury, was not more characteristic of England then, than Victoria dazzling the eyes of kings and emperors with her magnificence, of England now. England, proud of military glory, demanded that her ruler, though a woman, should display a martial spirit. England, proud of wealth, demands, at this day, a like conformity to her tastes. The crown is the focus of the nation's glory, and, according to the character of that, it glitters with gems, or is shaded by the warrior's plume.

We trace the same change in France from Henry IV. to Louis XV. To both the people were alike loyal, and the nation boasted, not more of the victories and martial renown of the first, than of the splendid court of the latter. But it was the pride of Henry that every peasant should have a fowl in his pot: while the French peasant, under Louis, had to console himself, that, though he himself was starving, his king, who dined in

public, for the gratification of his subjects, fared more sumptuously than any prince in Europe. Poor consolation this! With a vain people, yet remembering the glories of the last reign, it served the turn for awhile. But it could not last, and it did not last.

How long shall the present state of things continue in England, before the multitude will see nothing in nobility but wealth, fortified by political power, valuable only to itself, used but for the single purpose of amassing and securing wealth? And this wealth is now to be depended on, to inspire that necessary awe of which military prowess and military renown were once the objects! They will look upon it with such awe as a pack of wolves may feel in the presence of a fat bison. His shaggy front and pointed horns are indeed awful; but they remember that he is fat, and their awe is all forgotten. Will a ravening populace be kept at bay, by being reminded of that which marks nobility as their natural prey?

Superstition, musing on the folly of such reliance, might regard this as an instance of that preternatural infatuation with which Heaven is sometimes pleased to visit those it dooms to destruction." "Quem Deus vult perdere, prius dementat." Under the shelter of a constitution, contrived to protect the rights of all men in all conditions, property has found security, and increased and multiplied, till it has grown so portly, that it scorns the protection it enjoys, and pours contempt on its defenders, and encourages the multitude to scoff at the antiquated absurdity of hereditary honours and hereditary respect. Its type is the deer in the fable, who devoured the leaves of the vine that sheltered him, and laid himself open to the eye and the shaft of the hunter.

But there is no need to look to preternatural causes. No visitation from on high is necessary to enhance the folly which unbounded wealth and unbounded indulgence rarely fail to engender. Where these are found, the folly and insolence, that provoke contempt and hatred, and invite destruction, are never wanting. Nor are there wanting plausibilities enough to gloss over

this folly. The sums paid for bread, to be thrown to dogs, pay the ploughman's wages, and multitudes of artisans are fed by the extravagance which spends itself in the costly productions of art. So says political economy. Patriotism too puts in a word and suggests, that, out of all this waste, a large per centage goes to pay the national debt. And so the rich man folds his purple robe complacently about him, fares sumptuously every day, and heeds not the groan of the beggar at his gate, except as an annoyance to his comfort. From this he at last seeks relief by means of alms-houses and work-houses, where the peccant matter, which, before, did but deform the surface of society with sores and blotches, is pent up, till it fester into deep-seated ulcers, preying on the vitals of the state. How little there is of sincerity in the pretext offered on behalf of his heartless waste, is proved by the impatience of the rich under the just and salutary operation of the income tax.

The true constitutional idea of taxation is that of a free gift to the wants of the state. The assent of the tax-payer is indeed, very often, a legal fiction; but, like all such fictions, it does no man any wrong, so long as it imputes to him only an assent to that to which interest and duty make it right that he should assent. So long as the tax takes only from him who has something to spare, and from him only a fair rateable proportion of what he has to spare, he has no right to complain. But what shall we say, when, by means of imposts and excises levied on all the articles which enter into the subsistence of the very beggar, he is made to share his scanty meal with the tax-gatherer? Is there any interest, any duty, calling on him to contribute something, and then go again on charity to make up the deficiency? Does the fiction of law which imputes to the poor woman an agreement to admit a sixth share of the potato she was about to divide among her five children, do her no wrong? Justice and policy both demand that all such impositions be swept away, and their place supplied by taxes which shall fall on superfluity alone, the only proper fund for taxation.

The income tax, conceived in this spirit, does credit

to the wisdom of its author. It shows that he is aware of the nature of the disease of the state and understands its treatment. The resistance of those, who represent the great interests he is labouring to protect, shows something of the difficulties with which he has to contend. Could he rescue the higher orders from the dominion of their own sordid extravagance, he might save them from being, in the end, trampled down under the feet of the insurgent multitude. How he will succeed remains to be seen.

It is in no invidious, and, I trust, in no presumptuous spirit, that I have endeavoured to place you in full view of the difficulties and dangers, which, at this moment, environ the freest, the most enlightened, the most virtuous, the most prosperous, and the best governed country in the old world. I have done this in order to free your minds from the erroneous idea so prevalent in this country, that the business of constitutions and governments is one of extreme simplicity. Boys not long escaped from the nursery, where they used to play at "kings and queens," are encouraged to continue in the childish notion, that the crown, the sceptre, and the throne, constitute the whole of kinghood; and that all the art and mystery of free government may be resolved into the divine right of a majority to do its pleasure in all things. My labour has been in vain, gentlemen, if, by this time, you have not learned to think differently. If I have succeeded in impressing you with a due sense of the importance and difficulty of the subject of our studies, you are then prepared to go into the examination of our own political constitutions in a spirit which rarely fails to find the wisdom it seeks. You may not find that political Utopia, "the best form of government:" you may not become adepts in "the art of government made easy:" but I trust you will be prepared to learn that the best institutions owe all their value to their adaptation to the character, habits and wants of the people, and all their permanency to the preservation of those qualities in the people which first made them fit to live under such institutions. Thus prepared, you will see the necessity of studying our

own constitution, not by the light of any theory, nor by that of any history, ancient or modern, but the history of its founders, and the circumstances in which they were placed, and to look for the dangers that threaten it, in the changes of our social condition.

Before dismissing this subject, I beg leave to guard myself against one misconstruction. I am far from feeling all the confidence my words may seem to import, in some of the ideas I have expressed. My wish was to convey them distinctly and clearly to your minds, and therefore, at the hazard of being thought presumptuous, I have sought only to express myself clearly, avoiding that doubting, apologetic, deferential, *bowing* style, which may indeed be most consistent with good manners, but so much weakens and dilutes the meaning, and not unfrequently wearies and disgusts the reader. Without this explanation, I might have seemed to have fallen into the very error, against which I am mainly anxious to guard you.

To all that I have said, to show the difficulties, in which the science of government is involved, some will think a ready answer is to be found in the simplicity and efficiency of our own political structures. To these I have but to say, that the experiment of free government was set on foot, by our fathers, under circumstances more advantageous than have ever fallen to the lot of any other men. Of these I shall speak in my next lecture.

LECTURE XII.

In my last lecture I intimated that I should, at this time, call your attention to some of the circumstances which had afforded facilities to the problem of free government in the United States.

Foremost among these was the training to which the minds of the people had been subjected, before they took upon themselves the task of self-government. The

great emigration, which laid the foundation of the prosperity of the colonies, took place chiefly about the time of the civil wars in England, and immediately afterwards. You are aware that these wars did not grow out of the contentions of rival candidates for the crown, nor was the ostensible object of the struggle on either side, the advancement of the ambitious schemes of any aspirant to political power. The controversy was about the principles of government; the conflicting rights of the different orders of the state; the prerogatives of the crown, and the chartered privileges of the people. The parties to those wars were, for the most part, enlisted on behalf of principles; and as men do not lightly enter into engagements which bring life and property, and earthly honour into peril, it is to be presumed that the principles for which so much was put to hazard were well considered. In religious wars, every man, according to the measure of his understanding, is apt to be a theologian. In wars undertaken on behalf of political rights and principles, every man may be expected to become in like manner somewhat familiar with the science of government. The subject perhaps had never before in any country been so much discussed, and the few authors of that time, whose writings have come down to us, display a familiarity with it; at times a profundity of thought; at times an ingenuity of sophistry which might be instructive to us at this day.

It was under the influence of opinions formed in this severe school, that the foundations of the colonial governments were laid, and hence there will be found in the early history of some of the states, a remarkable conformity of their laws and institutions to the political views of that party in England to which the inhabitants respectively had belonged. New England, we know, was at first settled entirely by men, who, despairing of success in any struggle with regal power, came over to America in quest of personal and religious freedom. The nucleus of the colony of Virginia, on the other hand, was a royal charter, an incorporated company, constituting a body politic, of which the king was the head. Virginia, therefore, when the cause of royalty

declined, received great accessions of population from among those who could not endure to live under the stern rule of the protector. Hence we find, in New England, the theory of democracy carried into practice to an extent known nowhere else; while in Virginia, the essential liberty which the condition of the country made it impossible to restrain, was blended with respect for the royal authority, and such an imitation of the forms of the regal constitution as the nature of the case admitted of. In one or two particulars there was indeed a seeming invasion of natural right, in each section, but even these do but more clearly show that the people had learned to attend to the substance of things, and to accommodate their legislation to their actual condition.

To one of these I have already adverted. I mean the denial of suffrage in Virginia to all but land-holders. But I have explained to you that at first the settlement of the colony was an affair of pecuniary speculation; that its management, on all the principles of *meum* and *tuum*, belonged to the owners; and that while they permitted the presence of men having no interest in the concern, it did not follow that they should allow any voice in its direction to those, who, having no property in the country, had no share in the partnership.

On New England, on the other hand, it has been charged as a gross inconsistency, that men flying from another country in quest of religious freedom, should have founded a new government for themselves, under which restraints were imposed on the rights of conscience. But nothing can be more unjust than this. The people who fled to that inhospitable wilderness, and reclaimed it for their use, had an undoubted right to exclude from the particular section which they had thus appropriated, every thing which might defeat the purpose of all their toils, dangers and privations. To say that only one form of religion should be tolerated among a people, all understandingly and zealously devoted to that form, was but to admonish others of a different faith to go elsewhere to seek a home for themselves. The wisdom of such a step among a people

sore with the recent experience of the strifes arising from religious differences of opinion, cannot be questioned. The advantage of it is manifest to this day. It operated as a means of exclusion to all those incongruous materials which might have endangered the harmony of the community; the influence of that particular form of religion on the habits of its professors has had the effect of securing the manners of society from change, and has thus preserved more of the desirable adaptation of the habits of a people to their political institutions than is to be found elsewhere.

I advert to these things for the purpose of showing that the founders of the colonial institutions were men who understood the maxims of right and the principles of government in their reasons, and valued them not as abstractions, but for what they were worth.

In other particulars there was much in the institutions of the colonies, which seems unfavourable to liberty, to those who judge superficially of human nature. It looks like paradox, that the genius of democracy, which had led the northern pilgrims into the wilderness, and presided over the establishment of their colonial governments, should have permitted the erection of a system of laws, the restraints of which extended to the domestic habits, the deportment, and even the dress of individuals. The phenomenon is to be explained by reflecting that the recent experience of the colonists had been of tyranny and misrule associated with licentiousness. Economy, sobriety, and a staid and sober demeanour, had been badges by which their party had been accustomed to distinguish itself in the mother country; and every form of licentiousness was connected in their minds with all that was fatal to liberty. They easily persuaded themselves that in submitting to the rigid rule of puritanism, they exercised the most perfect freedom, and the liberty they learned to love was liberty regulated by law. It was in this same school in which they had been trained, that the celebrated Mr. Locke learned his grand maxim, that "where there is no law, there is no liberty."

The infancy of government is *generally* the infancy

of society, and man—his habits unformed, his mind unenlightened, his passions unsubdued, and thus committed to self-government—is like the orphan heir of rank and wealth,

> "Left by his sire, too young the loss to know,
> Lord of himself—that heritage of wo."

Compared with such, the puritan society of New England, was like the father of the human race, (ushered into life in the full maturity of all his faculties,) and placed under the guidance of God himself, ever present in his word, in a place prepared for its reception. That place was not indeed an Eden, for the soil was sterile, and the climate stern; and the forbidden fruits were only such, as, in a former state of existence, they had learned to loathe. The result was that the experiment in government which they had devised for the mixed society of the mother country, where it failed, was with them completely successful. Hence the revolution found them practically acquainted with the important truth, that *a democratic form of government is perfectly consistent with the strictest discipline of society, and the most complete subordination of will and appetite to the dominion of law, of which man is capable.*

On the other hand, the people of the southern colonies brought with them, along with habitual impatience of restraint, much of that high, enthusiastic, and passionate loyalty, which makes obedience liberal, by engaging pride on behalf of authority. The spirit of *personal* freedom was perhaps never stronger than in the high-minded cavalier, who, recognising in his royal master a divine right to his obedience, rendered his homage with the eager zeal of an idolator. In security to the rights of property, and exemption from personal restraint, he saw all of freedom for which he cared; and whether the government which afforded these advantages was administered by king or consul, was to him an affair rather of taste than policy. The situation of these high spirited gentlemen in the colony of Virginia was highly favourable to the preservation of their passion for liberty thus understood. Thrown by provi-

dence into an extensive and fertile region, abounding with the necessaries and even the luxuries of life, they scattered themselves over its surface, each pursuing his own objects, each seeking his own gratification according to his peculiar taste. Had they before doubted it, they must have thus become sensible, that, in such a state of things, there is no authority which can essentially interfere with the enjoyment of personal liberty. Hence it happened that when the absurd superstition which represented the royal authority as a thing of divine appointment, was exploded; and when the *personal* loyalty of the old cavaliers to the *Stuarts*, was either forgotten by their descendents, or exchanged for a spirit of hostility to the *house of Hanover;* there was nothing in the power of the kingly office at all offensive to their feelings. The colonial government therefore adapted itself to this leading principle; such distinctions of rank as the condition of society admitted were cheerfully recognised; such privileges as a regard to the rights of property called for, were freely given; and the very men, who were soon to show themselves to be deep read in the philosophy of free government, and the ardent votaries of liberty, continued, up to the very dawn of the revolution, sincere in their appeals from the tyranny of the parliament to the protection of the king. The invasion of the rights of property by the unauthorized taxation of the British legislature was all they complained of; and when they determined to resist this usurpation, they found hardly any thing to change in the frame of their government. I shall hereafter have occasion to speak more particularly of this. At present I merely advert to it, to show you, that while experience had convinced the inhabitant of New England, that *law and discipline are consistent with freedom;* a like experience had taught the Virginian, *that under favourable circumstances the spirit of freedom and the* ACTUAL ENJOYMENT *of freedom may exist and flourish in defiance of the forms of government.**

* We here find the means of accounting for two remarkable facts. In those states of the Union whose constitutions most

In these considerations, we find the reason why in the formation of the new constitutions of the newly independent states, there is such an utter disregard of theoretical perfection, and such an attention to expediency, fitness, and the actual condition of things.

Another circumstance highly favourable to a successful experiment on free government was the essential equality of property. The condition of a new country in which vast quantities of fertile lands lie unappropriated, renders the extreme of poverty impossible except in case of age and decrepitude. The poverty which drives men to madness, and renders a strong government necessary to the protection of property, is, as we have seen, that which denies the necessaries, or at least the comforts, of life to him who is able and willing to work for them, and, in such a country, poverty in that degree is plainly impossible.

The opposite extreme of wealth disproportioned to the general condition of the community was equally unknown. We hear of such things, and we know that individuals then held property *now* yielding princely revenues. But we deceive ourselves if we suppose that the possession of this property was in itself great wealth to its *former* owners. Even since the revolution the wild lands of Virginia have been appropriated at two cents per acre. What then was their value when appropriated? The certainty that it would in the end be valuable, and the probability of its rapid appreciation, tempted men of enterprise and long views to locate largely on speculation. But these were, for the most part, men of limited resources, who having laid out all their money in the purchase of land, were constrained to sell again at a small advance to obtain the means of living. How else is it, that so little remains of wealth to the descendants of those who once owned principali-

strictly conformed to the democratic model, there is the least toleration for licentiousness, and the most severe and searching discipline of law. In those where this model is less regarded, and where still some traces of aristocratic distinction may be discovered, the spirit of personal freedom is most high and haughty, and most impatient of legal restraints.

ties? I know that the common account of the matter is, that it was wasted in the unbounded hospitality and luxurious and ostentatious habits of the gentry of the country. But on this subject we have evidence that cannot deceive us. The dwellings of our fathers are among us; and in them we see no marks of that passion for splendour and display which is imputed to them. And how many men are there among us at this day, who could not find room to spend half their incomes in such houses? I know something of the history of some of our oldest and wealthiest families; and, to my mind, the partition of their estates among their descendants sufficiently explains the fact that none of them are in possession of any very great wealth. Yet this partition has perhaps not more than kept pace with the appreciation of property, and it would not be difficult to find examples of men more wealthy in the possession of a part of their father's estate, than the father himself had been with the whole.

An example within my own personal knowledge will illustrate this matter. A younger son of a large and respectable family was bred to a trade. By industry and economy he acquired money enough to employ a judicious and faithful agent, by whose aid he took up half a million of acres of the best land in the state, about an hundred years ago. He then determined to live the life of a gentleman; and in creating and maintaining the proper establishment, he made it necessary to sell out, at a moderate advance, a large portion of his land. More still was sold to purchase the slaves necessary for the improvement of the rest. This was done most judiciously, and, having managed his affairs with prudence and skill, he died, leaving a handsome estate to each of his numerous children. Most of these wasted their patrimony. None improved it. One of these in his life got rid of two-thirds of his property, and of the residue half descended to one of his sons, who, to the day of his death, derived from his small portion a larger regular income than his father or grandfather had ever enjoyed.

I feel myself warranted then in saying, that the revo-

lution found the property of Virginia estimated by its exchangeable value at the time at least as equal as it is at this day; and there is certainly nothing in the state of property among us at this time, which requires for its protection the establishment of any privileged order in the state. Hence I have said that at that period there existed among us no such inequality of property as was unfavourable to a fair experiment on free government.

The advantage of this state of things to the success of their experiment can only be duly estimated by recalling much of what I have already said. We have but to suppose that the inequality then existing had been such as exists in most European kingdoms. Let it have been such as that the superfluity of the rich should always seem to insult the distresses of the poor; let that which the first could spare without missing it, have been more than the latter could hope to acquire by a whole life of toil, and it will be seen that the one would be ever anxiously engaged in contriving and erecting barriers against encroachments, which the other, with equal eagerness, would labour to overthrow. Here would have been a strife as fierce and concentred as that of the Greeks and Trojans over the dead body of Patroclus; an eagerness of attack and a vigilance of defence, like that which took place at the vulnerable point, "where the wild fig-trees joined the wall of Troy." In such a contest, what becomes of that harmony on which the proper adjustment of the powers of government depends? Adjust them as you may, how long will it be, even under the most firmly established constitution, before each of the contending parties will lose all regard for the common welfare, in an exclusive zeal for its own distinctive interests? How long will either be unwilling to lend itself to the political views of any leader who may promise to requite its support by favouring its claims? How long will it be before Pompey at the head of the aristocracy, and Cæsar at the head of the populace, will be seen contending whether the patricians or the plebeians shall give a master to the commonweath.

As in the condition of things at that time there was nothing that called for orders in the state, so, in point of fact, none such existed. Before the revolution the people of Virginia were well enough disposed for such things. I have shown you that there was nothing in royalty inconsistent with their notions of liberty; and they doubtless were not without a taste for those distinctions which the breath of royalty confers. But none such were known to the laws of the colony. The king who created peers of his kingdoms of England, Scotland and Ireland, created no peers of his kingdom of Virginia. We had indeed an English peer, and some English baronets among us, and they claimed their titles, which were respectfully recognised. But here they were but commoners, as an Irish peer is but a commoner in England. Their rank availed them no more than that of a French marquis or a Spanish count. Such of them as chose to remain here lost nothing by the revolution. Their title was all they could ever claim among us, and the same courtesy which acknowledged that before the revolution was still extended to them—and with reason. They were still as much lords and baronets as they had ever been, and if they chose to go to England, would have the same rights of rank as before. That concerned us not. They interfered with none of our rights. We had not given them, and we could not take them away. That such distinctions were coveted, I doubt not; and we did what we could to ape them. Everything that could be made to sound like a title was eagerly caught at, and the nominal rank of general, colonel, and captain, in the militia, was sought with avidity and jealousy, claimed as part and parcel of the style of the fortunate possessor. But in this there was nothing at all unfavourable to the introduction of free government. Such rank was purely official, and, as all offices were open to all men, no man in the community held any rank to which any other man might not aspire, as well before as since the revolution.

From the combined operation of these causes it resulted that that which we familiarly call the revolution,

was, in fact, no revolution at all. It was nothing more than a severance of the tie which had united the colonies to the mother country. Within the body of the community itself no change took place, and consequently there was nothing to give rise to the innumerable mischiefs which attend internal changes. If we take, for example, the constitution of Virginia, we shall find that no man lost his property, his place in society, or even his place in the commonwealth. The only political change was that which supplied an executive head to the state, in place of the royal governor. But this indispensable step amounted to no more than the nullification of the powers conferred by a foreign authority upon one not himself a member of the community. Had he been so, and had he remained in the state, it was not impossible that he might endeavour to engage his friends in some attempt to recover his lost authority. As it was, there was no room for anything of the sort. He had gone home to his master to render an account of his stewardship, and to end his days in the peaceful enjoyment of his hereditary honours and estates. This was the only change of a strictly political character; and, this change being made, the people did not enter on a new and untried state of things, but went on to administer their former institutions in the same forms, nearly in the same spirit, and, for the most part, by the same hands as before. The change was analogous to that the child undergoes, when severed from the mother. It now derives the vivifying influence of the air from the action of its own lungs, and sustains itself by its own digestion. But it is no new creation of that moment. The brain, the heart, the great and the lesser organs all retain the same nature and structure; they all preserve their former relations, and perform the same functions as before.

As the executive branch of the government alone derived its authority from the royal fiat, there was not the same reason for abolishing the powers of any but the executive officers. Accordingly, others were not disturbed. The importance of contriving a second branch of the legislative body led to the creation of the state

senate; but the other house retained in all particulars its primitive ante-revolutionary constitution. It was simply declared that the right of suffrage should be as before, and that each county, without regard to extent, wealth or population, should be represented as before by two members. The want of a judiciary system for the satisfactory decision of important controversies, and the final adjustment of disputed questions of law, had long been felt, and the occasion was seized on as proper for the supply of this want. But this system was a new creation, and its establishment deprived no man of place or power. The great body of judicial power in the colony had been exercised by the county courts; and of these it was simply declared that their jurisdiction should be as before. The constitution of those courts is itself an anomaly in our system, but in that no change was made; no new provision was enacted for the appointment of their members, and the authority of the actual incumbents was perpetuated by an ordinance of the same convention that framed and adopted the constitution. They were not even appointed anew, but continued to exercise their powers under their old commissions. The same principle was extended to the holders of lucrative clerkships, who were considered as having an estate in their offices, with which the legislature had no right to interfere. So far indeed was this carried, that when, not long after the revolution, a law was passed, for the first time, requiring clerks to keep their offices at the court-houses of their respective counties, these ante-revolutionary officers were excepted out of its operation, as having a right to enjoy their offices with all the privileges and immunities belonging to them when first conferred.

It is therefore strictly true that no member of the community lost his property, his place in society, or his place in the commonwealth by the revolution. In such a revolution there is nothing to embitter the feelings of men against each other. There is no strife of orders, no change in the mutual relations of individuals, no confiscations, no judicial murder, no sacrifices of the energetic, the bold, the enlightened, the wise and the

virtuous, whose very excellencies make them obnoxious to their opponents, as either party by turn prevails. The heats of such a revolution, so far from dissolving the cement of society, seem rather to weld together, in more perfect union, parts, which before had been rather connected than amalgamated. The commonwealth loses in such a struggle nothing but what the undistinguishing chance of war may sweep away. How different this from the havoc made, when the sword of justice is wrested from her hand, and used, in her name, and according to her forms to execute the malignant, interested, and discriminating vengeance of a triumphant faction! The victims of war are, for the most part, those, who do but cumber the earth, and who, had they escaped, would have presently fallen with the leaf of autumn. The victims whom the forms of justice sacrifice to the demon of party, are the wise, the brave, the good, the props and pillars, and ornaments of the state. What was there in a change such as I have described, to excite those stormy and contentious feelings in the breast of individuals which might disturb the deliberations of the framers of the new government? Nothing whatever. In internal revolutions the powers of government are necessarily wrested from the hands of those accustomed to wield them, and committed to men unpracticed in the business of legislation and command. Not so here. The men who first moved in the revolution, and adopted the measure and carried it through, were themselves the rulers of the land. They did but continue to act in the same sphere, and with nearly the same powers to which use and practice had familiarized them. The country availed itself of every thing of virtue and wisdom and experience that had already recommended itself to the confidence and respect of the people, and the spirit of innovation was therefore restrained by the partiality with which men cling to institutions, with the working of which, they are practically acquainted. Can we wonder then at our exemption from those evils which render the idea of revolution terrible to the minds of the wise and prudent? Shall we take pride to ourselves in this, and exultingly com-

pare the sobriety, and discretion, and justice, and humanity, which presided over our councils, with the passion and extravagance, and rapacity and cruelty, which characterize all the other revolutions of which we read in history? Above all, shall we indulge the fond and foolish thought, that, should things again go wrong among us, the same remedy may be again applied with the like advantage, and with the same exemption, from evil?

I am aware that they who would fondly imagine the people of these states exempt from the frailties and errors of humanity may ask me why these things were so. Why did the spirit of innovation stop short of those changes which remove men from their stations in the government; which degrade them from their place in society; which dishonour them, and strip them of their property? The answer to these questions is, in part, already given. The grievances which produced the revolution, had not their rise in any diversity of rank, for there was none; nor in the oppression of the lower classes by the higher, for none such existed. The evil indeed was rather speculative than actual, and the readiness with which it was encountered, proved only how truly it had been said that the people of the colonies augured misgovernment at a distance, and snuffed the approach of tyranny in every tainted breeze.

Far be it then from me to disparage the worth and wisdom of the extraordinary men raised up, in that emergency to assert our rights. It becomes us to remember, with grateful pride, how, in the discussions which terminated in the revolution, they had so conducted themselves, as to command even the admiration of their enemies, The political state-papers put forth by them during the progress of the controversy; the petitions, addresses, remonstrances, and manifestos of the different public bodies in the colonies, show a depth of research into the history of English liberty and a familiarity with its principles, which the ablest of English statesmen witnessed with astonishment and applause. To these qualities they added a decent and tempered zeal in the cause of freedom, such as nothing but a practical experience of its value can impart.

Their conduct was not that of men who are led away by a name; who go in chase of an abstraction; a fanciful, though beautiful idea, to which there may be nothing corresponding in the realities of life. They moved as in pursuit of an object well understood and estimated at its true worth. In all their publications there is nothing vague, nothing imaginative, nothing declamatory. They perfectly understood the principles of English law. They were fully aware that these principles, in their operation on the advanced society and established diversities of rank in the mother country, had become the instruments of oppression. But they saw, at the same time, that in the actual condition of things among themselves, they would afford an effectual security for present freedom and happiness. For these, therefore, and for these alone, they at first contended, willing to trust the future for such changes in the system, as might adapt it to the future wants of the community. They demanded, at first, only to be restored to the rights, privileges and franchises, which they claimed as their birth-right, as Englishmen. Above all, and *instar omnium*, they demanded the recognition of that great fundamental principle of the English government, of which I have already spoken so much at large. I mean the principle that no man's property can be taken, by taxes or otherwise, but by his own consent. The history of the day will show that they understood this maxim, and have explained it. It will show that they valued it, not merely as a safeguard of property for its own sake, but because they had learned, from history and experience, that, thus guarded, property is the best safeguard of liberty. They knew, that, as I have shown you, it had furnished the price by which all concessions in favour of freedom had been first obtained; and they had seen that it was by rallying to the support of this principle in the time of Charles I. that the people had been brought to act with that unanimity which enabled them to oppose effectual resistance to the progress of usurpation.

"The colonists," said Mr. Burke, in his speech for conciliation with America, "are not only devoted to

liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in some sensible object, and every nation has formed to itself some favourite point, which, by way of eminence, becomes the criterion of their happiness. It happened that the great contests for freedom, in this country, were, from the earliest times, chiefly on the question of taxing. Most of the contests in the ancient commonwealths turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not, with them, so immediate. But in England it was otherwise. On this point of taxes the ablest pens and most eloquent tongues have been exercised; the greatest spirits have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those, who in argument defended the excellence of the English constitution, to insist on this privilege of granting money, as a dry point of fact, and to prove, that the right had been acknowledged, in ancient parchments and blind usages, to reside in a certain body called a house of commons. They went much farther; they attempted to prove, and they succeeded, that, in theory, it ought to be so, from the particular nature of a house of commons, as the immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that, in all monarchies, the people must in effect, themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered, in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse, and as they found that beat, they thought themselves sick or sound."

Here, gentlemen, you have a just account of the

point in controversy, on which the revolution turned. You will see that it presented a question on which men of limited information and narrow views could not have been expected to have any opinion at all. The tax of 3*d.* per pound on tea might have been laid and levied, and the multitude would never have known whether they paid it or no. It belongs to statesmen to observe that a claim of a right to impose it could only be sustained on principles fatal to liberty. Hence they called the attention of the people to the fact, and endeavoured to awaken them to a sense of the importance of the principle involved. The chiefs of the land, therefore, were the prime movers of the revolution; and it was not to be expected that people acting under their guidance, and led by them to victory and independence, would be in a mood to invade their rights, or to drive them from stations so honourably and nobly filled.

Nor was this all. The very nature of the matter in controversy had a tendency to sanctify all the rights of all men, and especially the right of all property. It was an invasion of this that first provoked resistance, and, up to the very day, on which Virginia proclaimed her independence, and adopted her constitution, her statesmen had called the attention of the world to the fact, that the end and aim of all they did, was to preserve inviolate this sacred right.

In these considerations you see enough to show that there was nothing in the circumstances under which the revolution was achieved, to tempt to the least violation of any maxim of justice. Every thing favoured the adoption of a government by which all men, in all conditions, should be alike established in the full and secure enjoyment of all their rights of every kind. Nothing had occurred to suggest the necessity of any change in these. To be left in the enjoyment of them under the laws as they stood was all that the colonists had contended for, and having been driven to find redress in independence, it became them to vindicate their sincerity and consistency by respecting all the maxims of private right.

It thus happened that they were in condition to afford

mankind the benefit of an experiment on government of which the history of the world gave no example. Never before had a people, enlightened and refined, instructed in the principles, and imbued with the morality of the gospel, and well experienced in the working of a government, at that time esteemed the best on earth, enjoyed an opportunity of addressing themselves quietly to the task of framing institutions for themselves. They went to their work in perfect harmony, for they were of one race, of one religion, speaking the same language, not discriminated from each other by any artificial distinction of rank, and, for the most part, in that happy condition, which is alike exempt from the seducing corruptions of affluence, and the exasperating bitterness of poverty. They executed their task dispassionately, for they were free from any cause of excitement among themselves, while all the angry and ambitious feelings had full exercise on external objects. They executed it in the spirit of justice, for no motive could be found to tempt them to do wrong to any man or set of men in the community. They executed it wisely, for they had been trained under the discipline of a domestic government, in the organization and conduct of which ambition had had no room to display itself, and there were among them men enjoying all the advantages of education and experience, and deeply read in all the learning of their day.

Let us not account it a small matter, gentlemen, that the government under which we were born, was the work of such men, so circumstanced. Let us cultivate in our minds a grateful sense of our obligations to that good providence, by whose dispensation we have been thus favoured. Along with the reverence which it becomes us to feel for the work of our fathers, let us learn to bear in mind that they enjoyed these peculiar advantages in the execution of their important task, and wisely to distrust our capacity to detect or reform any errors into which they may have fallen. That their work was not perfect, may have been, only because there is no perfection in any of the works of man. I would not, for that reason, have you forbear to amend any

thing, which, in practice, is found to work badly, but I would deprecate any innovation introduced through a taste for mere theoretical symmetry and perfection.

Unfortunately, innovation has long since been at work. In reviewing what has been done, it will be my business hereafter to show you how often substance has been sacrificed to form, and practical advantage surrendered for seeming good. At present, my purpose is to place before you a general view of the true character of that peculiar system to which our peculiar circumstances have given birth.

LECTURE XIII.

It is now time, gentlemen, that I should call your attention to the history and character of our own political institutions. As these, according to the regulations of this college, form the appropriate subject of this branch of my course, it may seem that I owe you some apology for having so long detained you with speculations on the government of other countries.

I felt that these speculations afforded a necessary preparation for the investigation through which it is my business to conduct your minds. Constitutions must be studied, not only in the letter, but in the spirit of their provisions. To catch this, we must not consider them as so many arbitrary enactments prescribed by the *sic volo* of power, but we must endeavour to understand the circumstances in which their authors were placed, and to take a view of all the considerations by which it may be supposed that they were influenced. Great attention was therefore due to the state of political science in their day, and the degree of light which the history and experience of the world, up to that time, had shed upon it. Their work is full of proof that they considered their task one of difficulty and delicacy. *They* certainly did not deem the constitu-

tion of a free government that simple problem, which, to the republicans of the French school, it appeared to be. There are many too, among ourselves, who seem to think that, since our fathers rested from their labours, great light has dawned upon the world, and that great discoveries in political science, not dreamed of by them, have been made. But when we come to examine these, and calculate their amount, we shall perhaps find that the great *arcanum* which modern innovation claims to have discovered, could not have escaped them.

If all that is necessary to the *preservation* as well as the *establishment* of liberty is the empire of numbers, we must wonder that any thing but free government has ever been known on earth. If the reign of numbers be the one thing needful for freedom, it is hard to see how freedom, once established, should ever be lost. In the strifes of men, physical power is on the side of numbers; and the tendency of physical power to appropriate to itself political and constitutional power, is natural and obvious. Let the two be united, and what can withstand them? When once joined together, what can separate them? If the union of the two be freedom, what can endanger it? How then has it happened, that the history of all the free governments that ever existed, is but the history of things that are past? How has it been that the triumph of successful experiment has been so often proclaimed, and so uniformly followed by fatal and disastrous failure? And why is it, that men claim for themselves and allow to others the praise of the profoundest wisdom, for simply finding out, that nothing is necessary but to let nature take her course, to suffer physical and political power to gravitate toward each other as they always do, and accomplish a union as natural and indissoluble as that of the sexes?

I cannot permit myself to think so meanly of the wisdom of our fathers, as to doubt that they had thought of these things. They certainly knew, that, where men are left to themselves, minorities are habitually ruled by majorities; that, in general, they submit to be so ruled; and that when they become restive, compulsion supplies the place of voluntary submission. They probably

thought too that it is better that a few should be oppressed by many, than that many should be oppressed by a few. But they may be excused for thinking that oppression is a bad thing whoever be the victims, and that injustice is offensive to God and man whoever be the authors, and whether they be few or many. They might be excused for hoping that some means might be devised for avoiding these evils. They certainly did not mean to consecrate them, by declaring that right and wrong should change their natures according to the numbers of those engaged in the perpetration of crime. To the excellence of their work, it seemed necessary that the many should not be subject to the oppression of the few, nor the few to the oppression of the many, and they felt it their duty not to choose between these extremes of evil, but to avoid both. The question with them was not, which is the worst of the two. It was enough that both were bad. The problem was to guard against both, and to erect the strongest and loftiest barriers on the side of the greatest danger.

In preparing themselves for the solution of this problem they had before them the history of all governments, ancient and modern. I have therefore made it my business to lay before you some of the considerations which a view of these might be supposed to have suggested. Most of their ideas were necessarily drawn from experience of the working of government in that country, which, up to that time, was their own. Hence I have dwelt particularly on the institutions of that country, and their origin and history, and have hinted at some of the political lessons to be learned from them. In some of these you may perhaps discover the considerations which gave to our institutions their anomalous character. Taking these for your guide, you will rarely fail to find a motive for all that was done, though sometimes the means adopted may have failed of their object, and sometimes may have introduced evils the opposite of those against which the framers of our institutions sought to guard.

But I have done more than this. I have sought to justify the wisdom and foresight of those able men, by

showing that they rightly anticipated the results which the working of a part of the English system must produce. I have therefore traced these results down to the present day, and though I have not presumed to prophecy of that which is to come, I have thought it right to show you something of the causes now at work, and the effect which those causes may possibly produce. In the proper place, I shall endeavour to show you that our fathers foresaw these things; and to point out to you the means by which they sought to avert, and at least to delay, as long as possible, the same fatal consummation here. If I can succeed in imparting to your minds a right understanding of these matters, I shall have done much toward saving you from the common error of supposing their work to be of the number of things which must necessarily remain imperfect until they have received the last finishing touch of excellence from your own hands. It is the common error of each successive generation, that men think themselves wiser and better than their fathers. This error was never more countenanced than by the astonishing discoveries of undoubted truth which distinguish *physical* science in the present century. Rendered presumptuous by these

> "We think our fathers fools! So wise we grow!
> Our wiser sons no doubt will think us so."

However *we* in our turn may incur this reproach at the hands of our posterity, it shall not be my fault, gentlemen, if *you* deserve it, by indulging an overweening conceit of the acquirements of this generation in political philosophy, and a mistaken and impious contempt of the practical, though unlettered wisdom of your fathers.

We may reconcile this to our sense of filial duty by the adage, that a dwarf on the shoulders of a giant can see farther than the giant himself. But that we may have the benefit of this adage, let us be careful to maintain that advantageous position, lest, leaving their shoulders, we descend from that high moral elevation on which they stood, and in the depths of sloth and self-indulgence, and in the mire of profligacy and cor-

ruption, permit ourselves to think lightly of that wisdom which condemns our follies and our vices. We have already changed much; and the spirit of innovation, far from wearying of its task, has but warmed itself to the work. We talk of the march of mind, and the advancing condition of society, and to this we think government should accommodate itself.

I have already shown you that government, sooner or later, *will* do this, and when the change is for the better, it cannot be done too soon. Not so when the change is for the worse. It is then the part of the statesman to cherish every institution which may counteract it, and delay, as long as possible, that fatal consummation when all restraints however desirable, however rigidly bound upon society by the frame of government, shall yield to the expansive growth of the germ of evil within. We, at this day, say (for men always easily persuade themselves, that, in correcting the mistakes and avoiding the faults of their ancestors, they retain all their virtue and all their wisdom) that the only change in society is a change of progressive improvement. Is this so? We certainly know much that our fathers knew not; and we have corrected some of the faults which are apt to accompany plain manners, and simplicity and manliness of character. We possess much that they wanted, and much more that they neither had nor coveted. But it may be seriously doubted whether, in the important science of government, we have made any advances beyond that sound practical wisdom which made their first acts of legislation the admiration of the world. Whether we have improved in political *virtue* is a question susceptible of a simple and decisive test. This is to be found in the qualities and characters which we desiderate in our public servants. If we are more careful than they were to select for posts of honour and confidence none but men distinguished by probity and virtue in private life; if less even than they we can endure to see the honour of the republic represented at home or abroad, by such as have said to corruption "thou art my father," and to infamy "thou art my mother and my sister;" if it has

become more and more difficult for men, stigmatized with foul or atrocious crime to win the favour of the people by flattery, address and talent; and if we are less and less disposed, in consideration of these, or of past services, to overlook dereliction of duty, and to pardon him who would sacrifice the public weal to the purposes of his own ambition, then are we more worthy and more capable of the solemn and awful duty of self-government, than they were. If the reverse of this be true, we shall be driven to the opposite conclusion. Should this test lead to a decision against us, then there is too much reason to fear that all fundamental changes in our institutions have been the result of those struggles between conflicting interests in the state, which never commence until the problem of free government has become difficult, and its success precarious; and which never terminate but in the prostration of the one or the other, or the subjugation of all alike to arbitrary domination. If we have lost any thing of the simplicity and plainness of our ancient manners; if the objects of ambition are becoming more numerous and alluring; if the appetite for gain is more eager and engrossing; we may assure ourselves that we are passing under the dominion of passions, which will govern us to our destruction, and hand us over, the willing slaves of any master who will pamper them.

How far our ancestors foresaw the danger of such a change, and sought to arrest its progress by the nature of their institutions; and how far the innovations that we have introduced have been the effect of our impatience of this check, and our eagerness to hurry on to that state in which free government shall be no longer practicable, will be the subject of future investigation. In this view it will be important to consider, whether there be any elements in our society capable of being employed to arrest the progress of this evil. If such can be found, it is our interest to understand them, and our duty to cherish them. If a means can be devised to avert it altogether, then may we hand down to our posterity the rich inheritance of freedom purchased and transmitted to us by our fathers. Then may we rejoice

in the hope that the final doom, which, like the destroying angel, has smitten the hopes of freedom, in all other ages and countries, may pass us by, and leave our institutions an enduring monument of the important truth, that liberty is the reward of virtue, and may be preserved for ever by the cultivation of the same qualities, by which it was first achieved.

I perceive that I have digressed very far from the subject which I had proposed for investigation in the present lecture. It was my intention to remind you at this time, that the most curious, original, and interesting of our political constitutions, and by far the most important of all, is that which connects together the members of this confederacy of states. To a right understanding of this, it is indispensable to show what these states were, before the formation of that tie; and to this end it seems necessary to trace them back to the very commencement of their colonial existence.

The principles of the different colonial governments were essentially the same; and a history of the early establishment of any one of them might be sufficient for my present purpose. This is especially true of Virginia, which was the earliest in the order of time, and may be taken as the *exemplar* of all the rest.*

That you may be prepared to apply, as I read, what I am about to say, I think it right to apprise you that I expect to show from the testimony of ancient and authentic documents, that each of the North American colonies was constituted in and of itself a body politic, governing itself by its own laws, and in nowise subject to the authority of the lords and commons of England, nor to the king himself as king of England, but only as king of such colony. I expect to show that England itself considered as a body politic neither had nor claimed to have any part or lot in any of the colonies; that the property in the soil was considered ac-

* It is true that New England was not at first settled under charters, and that the colonists would have been glad to separate themselves from the mother country. But in the end they were glad to receive charters, and to be put essentially on the same footing with the rest of the colonies.

cording to the superstition of the day, as belonging, by a sort of divine right, to the prince in whose name the discoverer might take possession of it; and that this right of property carried with it a right to require the homage and allegiance of all who might be allowed to settle thereon. For we must remember, that we are speaking of a time when the crowned heads of Europe claimed an interest in all that their subjects did, and a right over all their actions, such as at this day would not be thought of. Men were not then deemed free to quit their country even for a season, at their own will and pleasure. Permission to go upon a voyage of discovery must be asked, and the right to settle in a newly discovered region could not be thought of, but as a matter of grace and favour. It was of course to couple such indulgences with as many conditions as the sovereign might think fit to impose; while it was of the nature of allegiance, according to the notions then prevalent, to cling to the subject wherever he might go, and to bind him indissolubly by a chain, however lengthened, to the throne of his royal master.

Hence we find that queen Elizabeth, in the year 1578, granted, by letters patent, to Sir Humphrey Gilbert "free power and liberty to discover, find out, search, and view all such remote *heathen* and *barbarous* lands, countries and territories, as *were not actually possessed by any Christian prince or people,* and thither to lead and carry with him to travel thitherward and there inhabit, such and so many of his majesty's subjects as would willingly accompany and join in the enterprise; and that he should have, hold, occupy and enjoy, to himself, his heirs and assigns forever, all such lands, countries and territories, so to be discovered or possessed, with the rights, royalties, and jurisdictions, as well marine as other, within the said lands and countries, or the seas thereunto adjoining, with full power to dispose thereof to her majesty's subjects, and of any and every part thereof in fee simple, or otherwise, according to the laws of England, as nearly as conveniently might be; *paying to the queen, her heirs and successors, for all services, duties and demands what-*

soever, the fifth part of all the ore of gold and silver which should at any time be there gotten, holding all the said lands and countries OF *her majesty, her heirs and successors,* BY HOMAGE, *and* BY THE PAYMENT *of the fifth part so* RESERVED."

You have but to recall what you have already read on the subject of feudal tenures, to perceive that here is a claim of property advanced by the queen, and recognised by the patentee, which establishes her in the character of sole allodial proprietor of the lands to be discovered, and him in that of tenant in soccage, holding by homage and rent. Of England and the laws of England you will see that nothing is said, but by way of reference to those laws for the explanation of the legal phrases used.

The patent goes on thus. "And for *uniting* in more perfect *league and amity* such lands and countries with the realms of *England* and *Ireland*, and for the better encouragement of those who should engage in the enterprise, the queen grants and declares, that the said countries so to be possessed and inhabited should from thenceforth be in the allegiance and protection of her, her heirs and successors; and farther grants to the said Sir Humphrey, his heirs and assigns, and to every other person or persons, to their and every of their heirs, that they and every of them, that should thereafter be inhabiting in the said lands, countries and territories, should and might have and enjoy all the privileges of free denizens or persons native of England, any law, custom or usage to the contrary notwithstanding.

"And she further grants to the said Sir Humphrey, his heirs and assigns for ever, full power and authority to correct, punish, pardon, govern, and rule, as well in causes capital or criminal as civil, all such her subjects or others, as should adventure themselves in the said voyages, or should at any time thereafter inhabit the said lands, countries or territories, or should dwell within two hundred leagues of the place or places, where the said Humphrey, his heirs or assigns, or any of his or their associates should inhabit within six years ensuing the date thereof; with power to constitute such

statutes, laws and ordinances, as should by him, the said Humphrey, his heirs or assigns, be devised or established for the better government of the said people: Provided always that they should be, as near as conveniently might, agreeable to the laws and policy of England and provided also, that they be not against the true Christian faith, professed in the church of England, nor any way tend to withdraw the subjects of the people of those lands or places from the allegiance of the queen, her heirs or successors." See the Charter in Stith's History of Virginia, p. 4.

Now remember, that at that time there was no union between England and Ireland. The two kingdoms were at that day governed by their own separate legislatures, and only connected by the fact, that Elizabeth was queen alike of both. They were, to all intents and purposes, distinct bodies politic. The union of the projected colony was to be a union of *league and amity;* not a union of *amalgamation.* And if it were contended that these words should bear a meaning which would have made such colony part and parcel of the commonwealth of England, had that kingdom alone been mentioned, we shall find it impossible to adopt that meaning when the same phrase is applied to Ireland also. The colony might be united to both, but could not form a part of both, and therefore was to form a part of neither. It is true that it is said that the inhabitants should have and enjoy all the privileges of natives of England; but when we remember that the natives of England enjoyed like privileges in Ireland, we shall see that the mention of Ireland here would have been superfluous. You see here too a claim to their allegiance to the queen, her heirs and successors. Successors to what? Had she lost the crown of Ireland, would she have lost their allegiance? No. Or the crown of England? No. Or that of both countries? I should still say no. Had her intention been so, the proper form of words was quite familiar to those conversant with the language of charters and grants. "Nobis & Hæredibus et Successoribus nostris, *Regibus Angliæ et Hiberniæ.*" This is the appropriate form of

words, where the object is to establish a relation to the kingly office, and not merely to the person holding that office. The omission of this phraseology shows the purpose of establishing a new kingdom, the inhabitants of which would be bound by the ties of homage and allegiance to their proper sovereign, and her successors *as such*, whatever revolutions might take place in other lands.

But to place this matter beyond dispute, let us look at the next clause. (Stith, Ib.) Now here is a grant of powers utterly inconsistent with any claim of authority over the colonists by the parliament of England. They were to live under their own laws, and are merely admonished to make these conform, as far as may be convenient, to the laws of England, and by no means to draw away the allegiance of the people from the *queen*. These are the only restrictions imposed upon them, and these are imposed by the authority of *their queen* alone as such, and leave them free to constitute themselves, together with her, as their political head, a body politic within itself *totus teres atque rotundus*, as complete and independent as any on earth.

I refer to this patent, not as one of the subsisting fundamentals of our establishment. I refer to it merely as showing you the ideas entertained at that day by the government of England. The six years contemplated in the last extract, having passed by without a settlement, the patent expired by *non user;* but had such settlement been made, and grown and flourished, and extended itself to a mighty empire, I think you will see that the right of Elizabeth to the crown of that realm could not have been affected by any change in her relation to any part or all of her European dominions.

A similar patent, immediately after the expiration of the six years, was granted to Sir Walter Raleigh, but this too may be considered as having expired by its own limitations, as all attempts to make a settlement under it, within the required time, proved abortive. Under these patents, however, voyages had been undertaken, and discoveries made, which enured to the

benefit of the crown, establishing Elizabeth, according to the maxims of international law then received in Europe, in the character of sole, absolute and allodial proprietor of all the lands discovered by the adventurers who had sailed under them. The subsequent charters granted by king James, and under which the settlement of the country actually took place, show the light in which this proprietary interest was regarded, and the privileges he claimed in virtue of it.

The charter under which the settlement at Jamestown was actually made, constitutes the company of merchants and adventurers, thereby incorporated, a "body politic," and establishes it in a right to enact laws for the good government and well being of the future colony. They are authorized "to nominate, make, constitute, ordain and confirm, by such name or names, style or styles, as to them shall seem good, and likewise to revoke, discharge, change and alter, as well all and singular governors, officers, and ministers, which already have been made, as also which hereafter shall be by them thought fit and needful to be made or used, for the government of the said colony and plantation; and also to make, ordain and establish all manner of orders, laws, directions, instructions, forms, and ceremonies of government and magistracy, fit and necessary for, and concerning the government of the said colony and plantation; and the same, at all times hereafter, to abrogate, revoke, or change, not only within the precincts of the said colony, but also upon the seas in going and coming, to and from the said colony, as they in their good discretion shall think to be fittest for the good of the adventurers and inhabitants thereof." See 1. Hening's Statutes at large, p. 91, 92.

A grant is then made to them of all the country within certain limits "to be holden of us, our heirs and successors, AS OF OUR MANOUR OF EAST GREENWICH, *in free and common soccage*, and not *in capite;* yielding and paying therefore to us, our heirs and successors, the fifth part only of all ore of gold and silver, that from time to time, and at all times hereafter shall be gotten, had or obtained, for all manner of services."

Here is a grant of land in free and common soccage, such, as, according to the law of tenures, could only be made in virtue of an absolute allodial property in the grantor. But there occurs here a phrase which needs some explanation, and which places beyond doubt the claim made by the king, and recognised both by the English nation and the colony. The words "*as of our manour of East Greenwich*," are plainly intended to constitute the lands of the colony as part and parcel of that manor, which was the private property of the king. It was property which he held as a natural man, a private individual, and not as king. It was property which he would not have lost, although he might have lost the crown; and by thus connecting his rights to the newly discovered country with his estate in that manor, he clearly meant to declare his intention thenceforth to hold it, not as king of England, but as James Stuart, and as king of Virginia.

It is perhaps right to show you that this idea was not confined to the king alone, but that it was quite consistent with the received and established notions of his rights; and, as such, acquiesced in by others. Now the manor of East Greenwich is in the episcopal diocese of London. The same legal fiction, therefore, which made Virginia part and parcel of the manor of East Greenwich, should make it part and parcel too of the diocese of London. If that fiction was reconcilable to the maxims of municipal and ecclesiastical law, we should expect to find the episcopal rights and authority of the bishop of London recognised as extending over the whole of Virginia. Now we do find that they were so recognised. The bishop of London became *de facto* bishop of Virginia; and all the valuable rights annexed to the office of minister of our parishes were received at his hands and consecrated by his authority. When the political separation took place, and Virginia was to be erected into a separate diocese, his authority as her diocesan was still acknowledged. Hence, when our former president, bishop Madison, was designated for the office of bishop of Virginia, it was deemed necessary that he should go to England, to receive at the

hands of the bishop of London a delegation of the authority formerly exercised by him.

As a farther illustration of this topic, let me add, that all grants of lands made before the revolution, were described as lying in that part of the manor of East Greenwich called Virginia. It is by grants so worded, that all the land in this part of the country is held at this day.

One of the first acts done by the company in pursuance of their authority to appoint magistrates and to enact laws, is an ordinance bearing date July 24, 1621. By this it is declared,

II. "We, therefore, the said treasurer and company, by authority directed to us by his majesty under the great seal, upon mature deliberation, do hereby order and declare, that from henceforward there shall be two supreme councils in Virginia, for the better government of the said colony.

III. "The one of which councils to be called the council of state, (and whose office it shall chiefly be assisting with their care, advice and circumspection the said governor,) shall be chosen, nominated, placed and displaced from time to time, by us, the said treasurer, council and company, and our successors. * * * *

IV. "The other council more generally to be called by the governor once yearly, and no oftener but for very extraordinary and important occasions, shall consist, for the present, of the said council of state, and of two burgesses out of every town, hundred or other particular plantation, to be respectively chosen by the inhabitants: which council shall be called the general assembly, wherein (as also in the council of state) all matters shall be decided, determined and ordered, by the greater part of the voices then present; reserving to the governor always a negative voice. And this general assembly shall have full power to treat, consult, and conclude, as well of all emergent occasions concerning the public weal of the said colony, and every part thereof, as also to make, ordain, and enact such general laws and orders for the behoof of the said co-

lony, and the good government thereof, as shall, from time to time, appear necessary or requisite.

V. "Whereas, in all other things we require the said general assembly, as also the said council of state, to imitate and follow the policy of the form of government, laws, customs, and manner of trial and other administration of justice used in the realm of England, as near as may be, even as ourselves by his majesty's letters patent are required.

VI. "Provided, that no law or ordinance made in the said general assembly, shall be or continue in force or validity, unless the same shall be solemnly ratified and confirmed in a general quarter court of the said company here in England, and, so ratified, be returned to them under our seal; it being our intent to afford the like measure also unto the said colony, that, after the government of the said colony shall once have been well framed, and settled accordingly, which is to be done by us, as by authority derived from his majesty, and the same shall have been so by us declared, no orders of court afterwards shall bind the said colony, unless they be ratified in like manner in the general assemblies." 1. Hening's Statutes at large, 110, &c.

At your greater leisure, I would invite you to examine the documents thus laid before you, and to decide for yourselves whether they do not constitute the colony of Virginia a body politic, complete and perfect within itself. You will see that the English government had, from the first, nothing to do with its affairs; that with the English nation there was no connection but through the *commune vinculum* of a king who was alike the sovereign of both countries, but who chose to govern them by separate laws and separate agencies, desiring no more than a convenient conformity between the two. You will see that he limited his authority to the claim of allegiance, and to a right to confirm or reject the nominations of the company for members of the council of state. Farther than this, he did not chose to go; and you will find that the only limitation on the power of self-government in the colony was devised for the protection of the rights of the company in

England. To secure these, you see that it is provided that all the acts of assembly were to be reconsidered by the company and approved by them. But you must remember that the company, and the king himself, were themselves part and parcel of the body politic; and you will observe on the other hand, that they distinctly renounce all right to impose any regulation on the colony, but by the consent and concurrence of the assembly.

You see here then, a body politic of a structure not much dissimilar to that of England. We have the king who is common to the two. We have the company, consisting for the most part of persons resident in England, and represented by a council chosen by themselves, with the approbation of the king. When we consider this council as thus representing the hereditary rights and privileges of the proprietors, we shall see a striking analogy to the house of lords, while the house of burgesses, chosen by the resident proprietors and inhabitants of the country, is formed, as nearly as possible, on the model of the house of commons. In these estates resided the whole power of the body politic, and it is impossible to discover in its constitution the least trace of a right to interfere in the management of their concerns, in any other man or body of men on earth.

I have laid these matters before you thus distinctly and in detail, because there belongs to them an importance of which you may not be at first aware. You must see that they establish the colony in a perfect and absolute right of self-government, qualified only by the reserved rights of the company of proprietors, and the supervisory authority of the king. But when you reflect that the king and company, though not resident in the colony, had a large pecuniary interest in the concern, you will see the reasonableness of regarding them too as a part of the body politic, having a right to at least a negative voice, (and they had no more,) in the management of its affairs.

In training the colony to the condition in which it existed at the revolution, it is proper to add, that soon

after its establishment it was found that the authority of the company in England was exercised with an undue regard to the interests of the proprietors there, and a neglect of the welfare of the actual settlers here, which gave great dissatisfaction, not only to the colonists, but to the king. In consequence of this, we are told that "Charles I., on coming to the crown, through a tender concern for the poor people, that had been betrayed thither, dissolved the company in the year 1626, reducing the country and government into his own immediate direction, appointing the governor and council himself, and ordering all patents and process to issue in his name;" and, "confirming the former methods and jurisdictions of the several courts as they had been appointed in the year 1620, placed the last resort in the assembly." (Beverley, 4. 6, 7.)*

It appears that a party in the colony at the time were dissatisfied with this high-handed measure at first; but they soon found the advantage of it. Accordingly, we find that in the year 1642, one of the agents having invoked the interference of Parliament on behalf of the company, the assembly protested against it with great energy and effect. In this protest they speak of the colony as "fitter, if his majesty so please, *for a branch of his own royal stem*, than for a company."

The pregnant meaning of this expression suggests to me to illustrate what I have been saying, by asking what there was in the history of the colony as I have traced it, to have interfered with the power of the general assembly with the concurrence of the king, to pass an act of settlement by which the crown of Virginia should pass to the second or any other son of the king, and *his* heirs *not being* kings of England. The answer to this question, about which there was no dis-

* This verifies what is said in a resolution of Congress passed Dec. 6, 1775: "We are accused of forgetting the allegiance that we owe to the power that has protected and sustained us. What allegiance is it that we forget? Allegiance to the Parliament? We never owed—we never owned it. Allegiance to *our* king? Our words have ever avowed it; our conduct has ever been consistent with it." See the whole resolution, Journal 1. p. 282.

pute in the minds of the parties then, and can be none now, affords a simple test, which fully establishes the complete and entire sovereignty of the colony of Virginia as represented by her assembly and her king.

Here, gentlemen, we find a complete verification of the language of our continental congress in 1776, (not only as political but historical truth,) which declares that these colonies *then were*, and of right ought to be, free, sovereign and independent states. It remained only by a solemn and authentic act, to renounce all allegiance to the king, and in the instant each colony stood alone and distinct, in complete self-inherent sovereignty, separate and disconnected by any political tie from each other, and from all the world.

It is curious to observe that such was the view which Virginia seems to have taken of this matter. By her act of 15th of May, 1776, she does not in terms declare herself free, sovereign and independent. She assumes the fact, and acts upon it by proceeding at once to establish a new government and to adopt that very constitution under which we all were born. She does, indeed, invite the other states to a declaration of independence; and she instructs her delegates in congress to propose and join in it, which they did. But she did not deem it a necessary preliminary. Nor was it; for it was but a declaration of a subsisting fact. Accordingly she neither declared it in terms, nor awaited the declaration of congress,* but, sufficient to herself for all the

* It has been intimated of late, by an authority too imposing to be questioned on slight grounds, (I mean that of Judge Story,) that this decisive step was not ventured upon but in virtue of the recommendation of congress. The journals of that body, and of the Virginia convention, will show that the resolution of congress recommending the establishment of provisional governments was promulgated on the 15th of May, 1776, and that it was *on the very same day* that the Virginia convention raised a committe with instructions to report a declaration of rights and a constitution. On the same day, too, her delegates in congress were instructed to propose the declaration of independence by *all the states* in congress assembled. Neither party, therefore, took the first step at the suggestion of the other, but both acted simultaneously, and each adopted resolutions urging the action of the other. Virginia, perhaps, acted afterwards

purposes of sovereignty and self-government, she went on to the completion of her work, and under a constitution framed by herself, and officers created and designated by herself, she already had taken her stand among the nations of the earth, while it was as yet to be decided whether her bold example should be followed by the other states or no.

The action of Virginia, on that occasion, was not without precedent in her earlier history. But of this hereafter. At present, gentlemen, may I not be permitted to express my wonder that the gallant and magnanimous act to which I have just adverted is one of which most of you, perhaps, have now heard for the first time. The fourth of July in each succeeding year is celebrated as the birth-day of our freedom. The morning is ushered in with the roar of artillery; the welkin rings with shouts of exultation and rejoicing: the names of the men of that day are hymned in choral songs, and their praises are rehearsed in public speeches, in which we are invited to give our grateful admiration to the noble daring of but 3,000,000 of men, dispersed through thirteen petty, infant colonies, who ventured to defy the wrath of the most powerful state then in the world. The descendants of the heroes of that trying hour, eagerly contest the glory of having sprung from them, and honours more than mortal are decreed to those who stood foremost on that occasion, offering themselves as the most prominent victims of the rage which they provoked.

I trust, gentlemen, I shall ever be among the last to disparage their merit, or to deny the gratitude due to those illustrious men. But, considering them as contending which should be foremost in the path of honour and of danger, can I forget, can I permit you to

with more confidence, in consequence of this assurance of co-operation. On the other hand, it is sure, that the *general* declaration of independence was moved by one of the delegates of Virginia, under her instructions, and drafted by another of them. It may be doubted whether any member of congress would have felt himself authorized to make the motion without precise instructions from home.

forget, that in this they were already anticipated? That it was Virginia and Virginia alone, not *thirteen* colonies, but *one*; not *three millions of men*, but the *fifth part* of that number, that had *already* taken the decisive step; and that while the congress of Philadelphia were still discussing the terms of that eloquent appeal to God and man on behalf of American liberty, her words of defiance were already ringing in the tyrant's ears. Hers was the voice which first summoned him to the strife: hers was the shout that invited his vengeance. "Me! me! Adsum qui feci; in me convertite ferrum."

I beg you to pardon this digression. I have found it impossible to bring within the compass of one lecture all that I had to say on the subject of this. I have, perhaps, said enough to establish the point I set out to prove. But, I trust I may be excused for endeavouring to detain your attention while I speak of certain other particulars in the colonial history which go to confirm what I have said. All nations have cultivated a pious pride in the early glories of their ancestors, and where fact has not supplied a foundation for this sentiment, fiction has been invoked. But the birth of Virginia was in the days of authentic history. I can tell you of no hero or demigod to be celebrated as the founder of your race. But there are facts witnessed by authentic records on which it is impossible to reflect without an honest, and, I trust, an emulous pride, in our descent from those whose generous and self-abandoning magnanimity they illustrate. I find my excuse for dwelling awhile on these in their tendency to confirm you in the great and important truth which it has been the aim of this lecture to inculcate: *that Virginia* WAS, *and* IS, *and* OF RIGHT OUGHT TO BE, *a free*, SOVEREIGN *and independent state.* You will contemplate with wonder and admiration the fearful odds, against which she has heretofore made good her pretensions to this character, and you will be convinced, that, while true to herself, she can never lose it. Never

> Till self-abasement paves the way
> To villain bonds and despot sway.

LECTURE XIV.

In the thoughts already presented to you, gentlemen, you have seen enough to account for the republican form of the institutions of these states. Had they taken any other form it would have been an instance of an effect without a cause. Government, (whatever be its form,) is an effect. It arises from a sense of the necessity of some common arbiter, and some public authority, to adjust the differences, and restrain the vicious propensities of men. So far as this necessity demands submission to the restraints of government, so far they will be submitted to, and, in the absence of any other prevailing influence, we may always expect it to take that form which dispenses with all restraints not necessary to this great primary object. To the rude inhabitant of the forest, the member of a wandering band of savages, I have shown you that the few restraints and the slight responsibility to which he would consent to submit, would be least offensive when imposed by the authority of some one individual already distinguished for virtue and wisdom. So long as the power and prerogatives of the savage chief have no tendency to increase his wealth, and to surround him with comforts, and invest him with splendours denied to others, there can be nothing in his station to excite envy. So long as his authority has reference only to the few points on which the safety of the community depend, there is nothing to awaken impatience and insubordination. The laws of such a society are so few that each member would rarely feel himself restrained from the free indulgence of his own will, except by his own sense of right and expediency; and the consciousness of personal independence would be hardly at all impaired by the thought that one person, and one only, and that the man of his own choice, might, on rare occasions, speak to him in the voice of authority. This authority, generally dormant, would, under ordinary circumstances, consist with the most perfect equality, and the ties of personal friendship might bind together the chiefs of his clan

and the poorest of his followers. Compared to this state of vague subordination, the regulated liberty of a government of laws, no matter how enacted, would seem to the savage intolerable restraint. In the undefined discretion of a chief having no power to fortify usurpation or enforce wrong, he sees nothing to annoy, and nothing to alarm him. But the legislation of a republic can leave nothing to discretion: its laws are necessarily precise and more in detail: they enter into the common business of life: they beset us on the right hand and on the left: they hedge us around with new and vexatious restraints: and they impart a sort of authority to each individual of the community to look into our conduct and question our acts. Use makes *us* insensible to this, but a moment's thought will convince us that even the acknowledged right of every individual to enforce a respect to the decorums of society, imposes restraints, which, to the wild man of the forest, would be intolerable, and detracts more from our freedom of action, than all the authority to which he is subject.

I beg you to observe that I predicate these reflections only of the members of a small band of rude savages, alike in their condition, alike in their occupations and pursuits, almost strangers to the idea of property, and so few as to admit of a personal knowledge of each other, and especially of their chief.

But when we come to speak of a people numerous, civilized, enlightened, advanced in arts and sciences, familiar with the use of property, eager in its accumulation, addicted to the pursuits of gainful industry, and zealous for the security of rights which cannot be ascertained or guarded without careful legislation; a people long habituated to the restraints of law and order, and incapable of living without them, the case is widely different. The powers of a government, sufficient for the uses of such a community, must necessarily be various and great. They would be such as well might tempt ambition, and demand deliberation and hesitancy in bestowing them, and it would require the operation

of some powerful cause to tempt the people to put them out of their own hands.

But we should look in vain in the history of our governments for any cause having such a tendency. In some of the states there were certainly individuals of intelligence, wealth and influence, who thought favourably of the monarchical form of government. But this disposition had enlisted the great body of those who had cherished it in opposition to the revolution, and the success of the struggle for independence had driven them into exile. If any of that character remained, it is to be presumed that their secret attachment to their former master was not of a nature to be readily transferred to any man who had signalized himself in resistance to the authority of that master. None, therefore, thought of monarchy.

For a like reason we should look in vain for any cause tending to the establishment of a privileged order. The state of colonial dependence is unfavourable to the growth of such an order. It has never been the policy of the British government to govern its colonies through the agency of persons domiciliated in them, and identified with them. The higher officers of the colonial establishments were intended to act as a check upon any designs unfavourable to the authority or interests of the mother country. The governor, therefore, was always a stranger, and his confidence was most frequently bestowed on men not particularly distinguished by popular favour. The consequence was, that wealth, (that essential support to aristocracy,) was not found in the hands of those whom the people were accustomed to know as political characters, and to look up to as political leaders. It is true that that class supplied, (especially in the northern states,) many of the most prominent actors in the revolutionary drama, but it is equally true that the great body was composed of men addicted to ease, luxury, self-indulgence, and the exercise of a discriminating hospitality which never opened their doors to the poor and humble. Our dilapidated churches still show the tombs and scutcheons of families once distinguished for wealth, though nowfallen

to decay. At this day we find no trace of the descendents of many of these, and at the same time we vainly seek for their names, or the names of their posterity, in the history of the revolution. A "meditation among the tombs" of lower Virginia may furnish thoughts not less interesting to the political philosopher than to the christian moralist. We there learn who were the wealthy of the land, and collating the testimony of these mouldering records with that of history, we discover why no one thought for a moment of making them the objects of a political distinction which could not be properly conferred on any other class.

I have adverted to these things for no invidious purpose, but in order to show you that our government, like all that have ever existed, was the creature of circumstances, which stamped their very form and pressure upon it. It was not the creature of theory. There was no time to theorize, and it would have been unsafe to hazard the success of the whole experiment by inviting a conflict between theoretical principles, and any one of the prevailing interests which it was necessary to conciliate, harmonize and combine. There are features in the constitution of Virginia, especially, utterly at variance with all theory, but in exact conformity to the wants, habits, and prejudices of the community. Of most of these I shall speak hereafter. At present I only advert to them as a farther confirmation of the remark I just now made. I have little doubt that that instrument owes its highest excellence to the acknowledged necessity of thus conforming to circumstances. To this we must attribute that marvellous adaptation to the wants and wishes of the people which imparted to a government so inartificial a degree of freedom and efficiency not surpassed by any that has ever been devised. It has not been my fortune for several years to meet with any man of respectable understanding who does not look upon that rude work of practical wisdom with admiration and regret, and regard its abolition as a self-inflicted calamity, the greatest that Virginia has ever endured. I propose to show you hereafter, that its destruction was the work of extrinsic causes, and

that the new form has not grown out of the nature of the society, but has been superinduced and imposed upon it by an influence from without.

You see then, gentlemen, that the causes which influenced in the formation of the governments of these states, were all such as must tend to the adoption of that form which equally respects and secures the rights of all men. With this fact before us, it is unphilosophical to look beyond it for the explanation of what was done. It is gratuitous to attribute to our people a more passionate love for liberty than is to be found elsewhere, or a desire to conform their institutions to any fantastic model of theoretical perfection. The first of these suppositions is, moreover, falsified by the fact, that so long as the colonists were permitted to indulge a hope that the king would do his duty by them as *their* king, and defend them from the usurpation and exactions of his *English* subjects, they desired nothing better than to remain subject to his authority. This was, indeed, not equally true of all the colonies, for it cannot be denied, that the people of New England retained much of that partiality for a more popular form of government, which their puritan ancestors brought from England. But the inhabitants of the southern colonies, and especially of Virginia, had been always distinguished for a steady and passionate loyalty, which never faltered, until they clearly saw that the king had determined to support, at all hazards, and in their fullest extent, the pretensions of the parliament.

The other supposition, that our people proposed to shape their institutions in imitation of any form of government known to history, or after the similitude of any εἰδωλον of theoretical perfection is also discountenanced by the fact. The history of the world affords no model which they can be supposed to have copied, and the institutions of the states were eminently deficient in that symmetrical conformity to any imaginable theory, which the merest tyro in the school of Utopia might have sketched.

These remarks, gentlemen, are not offered without an object. It rarely happens that an instrument can

be so draughted, as that, standing by itself, there might not be some doubt about its interpretation. The private contracts of individuals are rescued from ambiguity by the many conventional rules of interpretation, which experience has shown to be necessary, and by the use of established forms, and technical phrases which are to be understood, not in a popular, but in a technical sense. When, after resorting to all these, we are still in doubt as to their meaning, we are compelled to look to extrinsic circumstances, to study the history of the transaction, to endeavour to detect the state of mind and feeling which accompanied it, to put ourselves in the place of the parties, and thus divine their purpose.

In the interpretation of the constitution of a state, this ultimate resort is often the only resort, and is always and indispensably necessary. Such instruments, and they who interpret them, are alike superior to the authority of technicalities. The rights and liberties of a people are not to be sacrificed to the niceties of artificial rules, and power does not condescend to listen to them. Indeed, the only rule worthy of the magnitude of the subject requires us in all cases to study the circumstances of the parties, to endeavour to possess ourselves of their general views and purposes, and to give such interpretation to their words as shall be most favourable to the accomplishment of these.

He, then, who affirms that the people of any one state of this Union, proposed to themselves the example of any government, ancient or modern, as a model for their own, does not advance a barren proposition. It must necessarily be fruitful of important consequences. The same is equally true of him, who supposes them to have adopted, for the same purpose, the abstract theory of monarchy, aristocracy, or democracy, or any imaginable compound of all or any two of them.

In the same view I am sensible that I advance a proposition of great practical importance, when I say that the constitutions of our several states were the result of circumstances, and that their interpretation is to be sought in the actual condition of the colonies at the

time, and their past history. For the proof of this I refer to all that I have said. I think I have shown that this proposition may be taken as a general truth, applicable to all countries, and in all ages, and I might properly call on him who should undertake to except these states from the operation of the principle, to show reason for the exception. But I shall not insist on this. I propose to leave this defensive position, and to show you, by the testimony of the record itself, that the framers of our revolutionary institutions thought not of theories or models; that they drew their ideas from no school but that of experience; and that, taught by that, they sought only to remove present evils, and to provide securities against their recurrence.

The principles of the British constitution had made them familiar with the maxim, "that no man's property can be rightfully taken from him without his consent;" and the experience of that people had taught them to regard this simple maxim as the only effectual safeguard of liberty. The practice of that government, adopted with a view to give effect to this maxim, had introduced the idea that the only legitimate source of legislative authority is to be found in the people themselves. These are the principal, perhaps the whole of the *political* maxims, the recognition of which can be detected in the constitution of Virginia. Beyond these we find nothing but the machinery necessary to carry them into effect, and to execute the laws enacted in pursuance of them. The bill of rights itself, a compendium of abstract propositions, will be found to contain no maxims having reference to the *form* of government *but these*, and such as are properly auxiliary to these. The three most striking propositions, which stand in the front of that instrument, are alike predicated of all forms, and only serve to indicate the source from which their powers should be derived, and the authority by which they may be changed. They contemplate governments not *in esse* and in action, but *in fieri*, or in a state of transition, and, so far from affirming the exclusive legitimacy of any one form, they

declare the right of the people to adopt any form they may prefer.

Instead of discussing the respective merits of different forms, they show their wisdom by announcing a proposition which implies that one form may be best under some circumstances, which, on different conditions, would not be best. Thus they declare that "of all the various modes and forms of government, that is best which is capable of producing the greatest degree of *happiness and safety*, and is most effectually secured against the danger of mal-administration." At the same time, instead of pronouncing in favour of any one form as the only legitimate one, they affirm the right of every people to choose among all imaginable forms that which suits them best, and which *to them* seems best adapted to these great ends of government. What that form should be they do not venture to decide. What they thought best adapted to these objects in their own case, appears by the constitution they adopted.

When we come to examine the constitution itself in its details, we shall discover that the abstractions which we find in the bill of rights were either not understood by the authors themselves in their utmost latitude, or that they felt the necessity and wisdom of limiting them in their application by a regard to circumstances. The problem they had to work was the construction of a government "capable of procuring the greatest degree of happiness and safety, and most effectually secured against mal-administration." Had they been mere theorists it might be impossible to say what they would have done. But they were men of practical wisdom, learned in the school of experience; and, taking experience for their guide, they seem to have governed themselves by a few simple maxims. That which they found to be fatal to "happiness and safety" they rejected; that which seemed to expose them to the "danger of mal-administration," they changed; all that seemed not liable to either of these objections they retained. Nothing was done or left undone but with a view to these considerations. All

the anomalies and incongruities of their work are to be explained by these, and in the regard paid to them is to be found the secret of the admirable working of the constitution framed at that time.

The great source of the evils which led to the revolution, was subjection to the authority of a foreign power, exercised through an executive officer deriving his commission from that power. This connection was severed at the first blow; and, this being done, our lawgivers seem not to have been very curious in devising means for supplying an executive head to the government. They seem to have thought it enough that he did not come from abroad, and draw his powers from a foreign source. They accordingly adopted the most compendious and convenient means of designating him, and thus, to the great disgust of theorists, they referred his election to the general assembly. In this, you see, they overlooked the maxim which requires the distinctness and independence of the executive and legislative branches.

In fixing the powers of the governor, it may seem strange that they did not invest him with that of at least a qualified *veto* on the laws. This plan we have seen has been adopted in the federal constitution, and in those of most of the states, and a familiarity with the English constitution must have suggested it, and might have been expected to make it acceptable. Why was it rejected here? The answer to this question is to be found in the fact that the wishes of the people of Virginia, as expressed in some most important and popular enactments of the colonial assembly, had been recently and unreasonably thwarted by the denial of the royal assent. The *veto* power was one of those which they had found "unfavourable to happiness and safety," and they did not see very clearly that a power, pernicious in the hands of a king, would be salutary in those of a governor.

You will be surprised to be told, that when they had thus provided for the selection of an executive magistrate from among themselves, the lawgivers of Virginia seem to have thought that they had nearly done

their work. They had removed the only thing which appeared to be intrinsically fatal to liberty and happiness. In all that remained there was nothing to complain of but a want of due security against "mal-administration." Such security they proceeded to provide, and they did no more.

1. The experience of the English government had made them sensible of the advantage of dividing the legislative body into two distinct and independent branches. This advantage they sought to secure, by the establishment of a senate and house of delegates, and this was the only additional change of a purely political nature that they made, By this they provided the best safeguard at their command against rash and inconsiderate legislation.

2. But to guard against mal-administration we must not merely secure discretion in the legislator; we must also secure the integrity and ability of the judge by whom the law is to be executed. The judicial system under the colonial government was deplorably deficient. The courts to which we now look for well-considered, sound, and authoritative expositions of the law, had no existence under that government. The only court having jurisdiction over felonies committed by free persons, sat in this place, and that court was composed of the members of the executive council, who were lawyers by courtesy and judges *ex officio*. This, too, was the only tribunal to which an appeal could be made from the well-intentioned blunders of the county courts. The incompetency of such men to such functions, and the insufficiency of any one court to duties so extensive, were obvious to every one, and had been severely felt. Hence it became necessary to form a new and complete judicial system, and this necessity gave birth to a court of appeals, and a set of subordinate tribunals, not very much differing from those now in existence.

In this short summary you have a view of all that was abolished, all that was changed, and all that was introduced by the framers of our constitution. You will see, that on their principle of providing for "happiness and safety," and guarding against "the danger

of mal-administration," they could not have done less. It remained to be considered whether it was proper to do any thing more. Had they been theorists they would certainly have decided this question in the affirmative. But they were practical men, guided by experience; and all that experience had not shown to be unfavourable to happiness and safety, or particularly liable to mal-administration, they left as they found it. Hence it is that the constitution was disfigured to the eye of the theorist by the restriction on the right of suffrage, by the rude structure of the county court system, and by domestic slavery. Of each of these the framers of the constitution may be supposed to have asked of their wise teacher, experience, "Has it been found inconsistent with happiness and safety, or produced a tendency to mal-administration?" In each case the answer must, to them, have appeared to be in the negative. Had it been otherwise, they would have made *some* change. As it was, they made none.

Gentlemen, to my mind there is so much real wisdom in judging and acting on this principle, that I am actually loth to justify the discreet forbearance of our fathers on any other. When God looked upon the work of his hands, and saw that it was good, he established it, and it continues to this day, and will continue until the human race shall have fulfilled the purpose for which it was ordained. So when these wise and upright men, looking on institutions established before they were born, and judging them by their fruits, saw nothing evil in their operation, they forebore to make any change in them. This forbearance, under the existing influence of the revolutionary spirit, then in active operation, is an anomaly in the human mind, and I am not sure that it does not distinguish them advantageously from all the lawgivers that ever lived.

"*The right of suffrage shall remain as at present exercised!*" Yet to how many, who understand popular government only in theory, does the restriction on that right, perpetuated by these words, seem an absurd and preposterous incongruity? Perhaps some of *them* may have so regarded it. But it had worked well. It had filled the halls of legislation with men devoted

alike to law and liberty, and it was by men so elected that the bold measures of the day had been taken, and the free spirit of the people awakened, roused and directed. I could find pleasure and pride in believing that these facts alone decided the founders of our institutions in the choice of these simple and important words. It would be agreeable to me to rest their claim to your admiring veneration on this ground. It is more to their credit to suppose them to have acted on the experience that the thing *had* worked well, than on any argument which might be offered to prove that on principle it was right, and that, from the nature of the thing, it *ought to* work well.

But *our* business is with the *philosophy* of government, and the nature of my task requires, that, in pointing your attention to any political contrivance which experience approves, I should look behind the fact, and endeavour to detect, and exhibit to you its principles and causes. I have shown you that equality and freedom form the true basis of all legitimate government, and that the assent of the governed to the law under which he lives is essential to freedom. I have told you that these propositions are true in point of principle, and that their full recognition is desirable in point of expediency. Now, when I speak in praise of a regulation which denied the right of suffrage to all but freeholders, I feel and acknowledge the necessity of showing how this restriction is consistent with what I have already said; of explaining how it is right in principle and salutary in practice. This I now proceed to do; and with this view, I shall close this lecture with a history of the right of suffrage as exercised in Virginia from the first establishment of the colony.

The settlement of Virginia took place more than two hundred years ago, under a charter of James the First, whereby the adventurers were organized as a company, incorporated and established in the character of a body politic. A critical examination of that and subsequent charters, will enable us to detect in the structure of this association all those conditions which I have heretofore laid before you as essential to the true

idea of a body politic. The assent of the king to the formation of this society, and its establishment here, is expressed in the first of these charters. This assent was necessary because his acknowledged right to the allegiance of the parties as English subjects might have interfered with the obligations they were about to assume as members of a new community. The power to bind them by his authority, and to hold them criminally responsible must be relinquished or modified by his own act, before they could become exclusively subject to any other authority.

But not only do we find in that charter this assent to the creation of a new political society, but we find there the assent of the parties to the association on the very terms and conditions expressed in the instrument. The king was confessedly the rightful lord of the soil, and the right to inhabit, cultivate, and possess it, was to be derived from him. That right was granted by the charter only to those who might agree to exercise it by becoming members of the association, and putting themselves under the form of government devised for the colony about to be established. All who should be willing to come into these terms, the company were free to receive. All others they were expressly authorized to expel.

This charter of the Virginia company is believed to be the earliest authentic record of the original social compact of any body politic now in existence. There is no instance before, in which it is so easy to establish by documentary evidence, the assent of the parties to the authority about to be established, and the recognition of that authority by the rest of the world; the consequent responsibility of each individual to the collective whole, and the responsibility of the collective whole for him to all the world. Whatever may have been the powers of the government; whatever the manner in which its functionaries might be designated, here is the distinct unforced assent of each individual to be bound by them. The new government was about to be established in a country then in all the wildness of nature. No man was put to the hard alternative of leaving his

home and the land of his birth to avoid submission to an authority he disliked. The compact was made *in England*, and it was not to escape, but to partake the destiny of the new association, that the parties to it left their father-land. Their assent to it was not only voluntary, but it was given in disregard of all those prevailing motives, which, in the change of the constitution of an *old* country, may be supposed to extort from some a reluctant acquiescence in what is unavoidable. If the terms of the association were unacceptable to them, they should have expressed their disapprobation by standing aloof. In accepting them they entered into a compact, for valuable consideration, the obligations of which they were bound to fulfil, each individual to the whole, and the whole to each individual. Whatever then were the terms of the association, no wrong was done by them to any member. Whatever the forms of the government, its fundamental principle was perfect freedom; and the appropriate exercise of *such* freedom is in the choice of the mode and measure of those salutary restraints, to which men instinctively subject themselves, as the only security for happiness and prosperity. Whether they chose wisely, is not now the question. Freedom must ratify their choice, or deny their right to choose.

By the original members of the company, the scheme was formed with a view to profit; and its object was the acquisition of a property of incalculable value. *At first* it could not be known whether *any* settlement could be effected, or whether such settlement, if made, would be profitable to the company, or prove an unacquited charge. There was no interest, therefore, to be consulted in the management of the concern but theirs. They who went out as colonists, went in their employment, and received for their toils and hazards such stipulated advantages as were satisfactory to them. Beyond a right to demand the fulfilment of these stipulations, they had no claim to be consulted or heard. They took their lives in their hands, and went, as on a forlorn hope, expecting to be rewarded in case of success, and to perish if they failed. The reward they

bargained for they had a right to claim, whether the adventure proved profitable to their employers or no, and of course they had no right to any voice in the adoption of measures intended to make it profitable.

These considerations led to the very proper determination, that, in the first instance, the regulation of the whole concern should be left to those who had a pecuniary interest in it. These were the company in England, who advanced all funds necessary to the adventure, and the king, the residuary proprietor of the whole region, the value of which to himself and his successors, so much depended on the result of the enterprise. Accordingly, we find that its management was committed to a council appointed, in the first instance, by him, and to be kept up by elections to supply all vacancies, to be decided by the votes of a majority of the company, subject to rejection or approval by the crown. To this council was given power to prescribe a form of government for the future colony, and to appoint the officers thereof, and to change them from time to time, as occasion might require.

So far assuredly all is as it should be. The management of the whole affair is, by the consent of all concerned, entrusted to a council chosen by all concerned. The right of the colony to be consulted about the form of the government to be set over it, is out of the question, because, as yet, the colony had no existence. Its potential existence was in the company, and represented in the council.

As might have been expected, some time elapsed before the fate of the attempt at colonization could be known. During this time, the adventurers were properly considered as having no other interest but that of the company, and as being sufficiently represented in the council. But so soon as the settlement had acquired stability, and the settler began to look upon the country as his home and the future home of his children, his interest in its permanent prosperity became distinct, and often antagonist to the mere money-making interest of the company at home. To the honour of the company and its general council, it is to be remembered,

that so soon as this interest arose, it was recognised, provided for, and secured. This was done by establishing a government, to be exercised by a governor and council appointed by the company at home, and a house of burgesses to be elected by the settlers themselves. In the ordinance prescribing this form of government, it was moreover expressly agreed that no law should be enacted by the company in England, without the concurrence of the general assembly here, nor by the general assembly without the concurrence of the company.

This too was as it should be. The interests of the company and the settler were, as I have said, sometimes opposed. Neither party ought to have power to sacrifice the rights of the other. That which was good for both, both might be expected to concur in. That which was ruinous to either, the other ought not to have power to do.

In deciding who should vote for members of this house of burgesses, no regard was at first paid to landed property. When we remember that the colony had been then only twelve years in existence, and that the few inhabitants were clustered together around their little block-houses, we shall not wonder at this. Every man had a *right* to land, though the necessity of keeping together probably prevented any permanent division of land. Many years afterwards, we find a law to encourage settlements on the frontiers, by giving to the members of such settlements, *collectively*, a body of 30,000 acres, to be held by them for the time as *tenants in common*. In like manner, the whole of the settlers in 1621, may have been considered as a sort of *tenants in common* of some large and indefinite portion of the continent. Indeed, at that time, no man would have come to Virginia for pleasure or amusement, or for anything but the advantages to be obtained by a permanent settlement of the soil, a fair proportion of which was freely offered to all who would settle it. The actual presence of each individual was a sufficient pledge of that permanent common interest which gave him a right to a voice in the conduct of affairs.

In 1655, it seems to have been thought proper to limit the right of suffrage to *house-holders*, whether *lease-holders or free-holders*. This was probably designed as a check on the power of the multitude of new-comers, driven out from England by the usurpation of Cromwell, many of whom were probably adventurers without families. But whatever were the motive, it was repealed the very next year, and the effect of this repeal was doubtless to give that ascendency to the royal party in the assembly, which soon became so conspicuous.

It may be worthy of remark, that the qualifications here required did not consist of the ownership of land, but the actual occupation of a house. This, I presume, was looked to as the best criterion of permanent residence, inasmuch as at that day every one had a right to land.

It is not until the close of the century that we find any precise legislation on this subject. In the year 1699, it was expressly declared, that none but freeholders were entitled to vote, and this law, as far as I can discover, remained unchanged until the revolution, except that the freehold qualification was made to consist of an estate of freehold in not less than fifty acres of land.

The reason why this precise quantity was fixed upon may be found in an act passed about the same time (in 1705) to regulate the issuing of patents for land. This act, (having reference no doubt to the existing regulations of the company, or of the king who had succeeded to their rights,) recites, that every free person, male or female, introduced into the colony, was entitled to at least fifty acres of land. Those having families were entitled to a like quantity for each member of their families, and the same allotment was made to indented servants on the expiration of their terms of service.

Comparing these two laws, therefore, it will be seen, that that which confined the right of suffrage to freeholders was little more than a denial of that right to mere transient persons whose occasional residence gave

no claim to meddle with the affairs of the colony. If any others were excluded, they were either such as had not been here long enough to take out their patents, or felt too little interest in the country to do so, or who, having once had land, and, with it, the right of suffrage, had freely parted with both. And for what consideration? The price of lands, (as fixed by the same statute,) to those who might wish to make locations, was five shillings for fifty acres. Hence, he who should have complained that the law confining suffrage to freeholders deprived him of his birth-right, might be convicted of having literally sold it for a mess of pottage. But in truth, however valuable it might be, and however difficult it might have proved to acquire anew the necessary qualification, it would be equally true, that the law requiring it wronged no one. He who had once possessed it, had acquired it by coming into the country under an agreement to live under the laws and government established there. While exercising the right of suffrage, he had again consented to this government of freeholders, and borne his part in it. When he parted with the right along with the land to which it was annexed, he did so freely, and had no right to recall his assent to the constitution. If thenceforward he had no voice in the selection of his rulers, still he was only governed by such as had been chosen by persons authorized by himself to choose them.

On this footing the right of suffrage stood at the revolution. The conditions of its exercise had been established by an ancient compact, tacitly renewed from generation to generation, so that every class of men in society, and almost every individual of every class, might be proved to have expressed assent to it by some deliberate act. To preserve this part of the constitution unaltered, was but to ratify a subsisting contract, the obligation of which had neither been relinquished nor forfeited. It would be hard then for the most zealous stickler for abstract right, to prove that the Virginia convention did wrong to any one in declaring "that the right of suffrage should remain as then exercised."

But, though led to this conclusion by fact and argument incontrovertible, I do not propose to rest there. I do not mean to contend that the assent of men to any form of government is forever and irrevocably binding under all circumstances. To do this would be to deny the right of any people to change the form of government once adopted, without the unanimous consent of every member of the community. It would be to affirm the right of any one person, dissatisfied with the proposed change, to insist on the benefit of the original bargain. It might not be difficult to frame a technical argument founded on the acknowledged obligation of all contracts, to prove his right to this. But the great and essential rights of men are not to be sacrificed to technicalities and abstractions. I do not mean to permit myself to be embarrassed by them, and it would be uncandid to avail myself of them. The assent of every member of the community to the government, however absolute in its terms, is qualified by the end in view. That end is the accomplishment of the proper objects of all governments, security and happiness—and the assent ceases to bind so soon as the government is found to be unfit for these purposes. But who shall decide on this? each man for himself? or a part for all the rest? If the former, there could be no remedy, for the worst governments are those which bad men will wish to perpetuate. If the latter, then the claim of each individual of a right to insist on the original compact, and to protest against all changes not acceptable to him, must be abandoned. Now I am the last man in the world to contend for the divine right of majorities to do what they please. But when it is established, that which is evil should be changed—the question whether it be evil or no must be referred to some arbitrament. In default of any agreed arbiter there is none so natural as the voice of a majority to decide this question. Nor is there so much danger of abuse of power in this case as might be apprehended. No change for the worse would be ventured on by a *bare* majority, nor is it probable that any very important change would be attempted except by a majority, com-

bining in itself the preponderance of wisdom, virtue, wealth, talent, reputation and energy, as well as that of numbers. The authority of *such* a majority *ought* to be decisive.

In view of these considerations, I admit that it is not enough to show that the people of Virginia were consenting to the limitation of the right of suffrage perpetuated by the constitution. If the government, constituted on such principles, was not good, the right to exchange it for a good government could not be barred by their consent. Hence I propose to show in my next lecture that, on the principle of local sovereignty, a property in the soil is the only just basis of representation; and that in point of expediency a qualification of the right of suffrage, confining it to freeholders, is best for all concerned.

LECTURE XV.

The idea of local sovereignty has its origin in that of property in the soil. It is always found that, among Nomadic tribes, the only sovereignty, of which they have any conception, is over persons. A stranger, who ventures into the range of an Indian tribe, or a band of Arabs, is never considered as placing himself under subjection to their laws. He may be plundered or murdered with or without any alleged cause of offence, but whatever severity is practised towards him, is inflicted, not as on a criminal, but as on an enemy. On the other hand, such savages assert the authority of their own laws over their own people, wherever they may be, and cannot be made to understand how they can be rightfully subjected to any other authority, by merely crossing an imaginary line.

But when the soil of any territory has been parcelled out among individuals, they will presently see the necessity of protecting their property in it, by establishing over the whole the *Jus Imperii* of the community.

This *Jus Imperii* is, in such a case, nothing more than an authority resulting from the consent of the whole community, each man consenting on behalf of his land, as before he had consented for himself, that the jurisdiction before exercised over his person shall be extended to his land. From that time, the chief is known as ruler of a *country*. Before, he was only regarded as leader of a *people*.

Now let us suppose a community, who have reached this point in the progress of society, to find themselves in possession of an island sufficient for all, and parcelled out among them. Or let us suppose that one hundred individuals, from various civilized nations, find themselves thrown upon such an island, which they have divided among themselves, without, as yet, having united in society of any sort. In this situation they first form a society and then agree to form a government endued with the *Jus Imperii* over themselves and over their lands; and they propose to establish it on a footing of perfect equality. In the management of their affairs then, they assign an equal voice to each one. But should there happen to be present at the time among them, a mere transient and unsettled stranger, bringing nothing into the partnership, they would naturally and properly exclude him from taking any part in their proceedings. It would certainly never occur to them that he, who, but the day before, was nothing more than the guest of the individual whose roof afforded him shelter, acquired, by the formation of the proprietors of the soil into a body politic, a right to claim admission into that body, without their consent, and a farther right to an equal voice in the laws to be enacted for the government of their domain. Before the formation of the government, his presence, wherever he was, was by sufferance of the individual owner of the spot, and he could acquire no new rights by the arrangement made by the several proprietors among themselves. He is there still by sufferance, and has no more right to complain of the regulations of the whole community collectively, than he before had to find fault with the house-keeping of his particular enter-

tainer. If either is displeasing to him, his remedy is to go away.

We see then, that in this case, the very basis of the association on the principle of local sovereignty is a property in the soil, and that none but those possessing such property could have any claim to be considered as members of the body politic. Among these the principle of freehold suffrage would be a principle of perfect equality, and would be adopted in that spirit, and as a security for the rights of the members against the meddling of strangers. If then, strangers come among them, they come consenting to the government established. If they have no voice in the enactment of the laws, it is because they have *freely consented* to have no voice in their enactment. If they are governed by rulers not chosen by themselves, it is because they have assented to the authority of those by whom they were chosen.

But inequalities of property arise among the members of the community themselves, and some at length part with their land. What then? If, while he was a land-holder, and had a voice in the enactment of the laws, the individual himself consented to the law which declared that he who parted with his land, should also yield his suffrage, does he not consent to this consequence when he sells his land? Is he not thenceforth as much consenting to all that is done by an authority delegated by the voices of a constituent body established by himself, as if he had not, by his own consent, ceased to be a member of that body? The restraints of law under which he lives are as much self-imposed restraints as ever, and, in the proper sense of the word, he is free as ever. He is bound, as all free men are, by his contracts, and though these may be onerous, and detract much from his comfort, they detract nothing from his freedom. A *slave* cannot emancipate himself by his own act; but *he*, if he dislikes his new condition, has but to buy land again, and he is at once reintegrated in all his franchises. It is absurd to affirm that, in losing the right of suffrage by the sale of

his land, any violence was done to the principles of liberty and equality. There can be no liberty if men are not free to make contracts, and there can be no equality if their contracts are not binding. Least of all can there be a government founded on compact, if the parties are not bound by the compact when made.

It is remarkable, that the difficulty of understanding this matter aright, is very much enhanced by the fact, that while the seller parts with the right of suffrage, the purchaser, if already a landholder, did not acquire any more of such right than he had before. If he did, if by the fundamental law a right to one vote was inseparably connected with the ownership of fixed and definite portions of land, (like the right of representation in the rotten boroughs of England,) every body would see that, by all the laws of *meum* and *tuum*, he who had bought the additional vote and paid for it, would have a right to it. In the same way he might go on and buy freehold after freehold, until he should be the only landholder and the only lawgiver, and still the advocate of governments of compact and consent would, on his own principle, be bound to submit to any government the other might impose. What escape could he find but through the maxim advanced in my last lecture, "that the right of a people to exchange a bad government for a good one, cannot be bound by their consent." Let the theorist remember this; and let him remember too, that it is equally true of all governments, however originated. "A government," said Burke, speaking of one of the ephemeral constitutions, which the people of France swore to perpetuate on one day and abolished on the next, "a government of five hundred village curates, and pettifogging country attornies, is not good for twenty-four millions of people, though it should be chosen by forty-eight millions." This is true. Happiness and safety are the ends of government, and a government which affords these, with a reasonable security against mal-administration, is the only legitimate government. All others are contrary to the ends of government, and there is no *jus*

divinum of kings or numbers, which can sanctify them, and save them from condemnation.

It is a maxim of political ethics, that no man's consent or compact is so far binding, as to bar his right to fulfil the purposes of his creation and the functions of his nature. No valid surrender can be made of that which is essential to the great end of his existence. Rights of this description are said to be inalienable. Were it otherwise, man might plead his own act in excuse for his neglect of his highest duties.

The most important of his rights of this description, is his right to the benefit of a *good government*. It has been strongly said that all the *political* rights of man resolve themselves into this; and, if by a *good* government, we are to understand a government to the authority of which he has consented, and which affords a reasonable amount of happiness and safety, and a reasonable security against mal-administration, the expression is not too strong or too broad.

The sum of the whole matter is this. No government is legitimate which is not ratified by the consent of the governed, and no consent can legitimate a bad government. The right to change, in the first case, and the duty to change, in the latter, may both be confidently affirmed.

To return then to the supposed case of our insular republic. If, by the fundamental law, the whole territory were divided into equal portions, to each one of which the right to give a vote in virtue of it should be inseparably attached, a fatal consequence might presently ensue. Those most successful in the pursuit of wealth would not only be fortified in the enjoyment of their acquisitions, but they would derive from them the faculty of arming themselves with the means of invading the rights of others. That particular sort of property, the possession of which imparted political privileges, would be eagerly sought after, and the rich would thus constitute themselves a privileged order in the state, with power to oppress the poor, and to throw every burthen on the shoulders of those least able to bear it. The authority of government would be alto-

gether in the hands of great landholders, constituting a privileged order, and eager to create for themselves distinct interests to be advanced at the expense of the poorer class. No middle class of small landholders would be allowed to exist; and the process of accumulation would never cease, until all the land, and with it all political power should be withdrawn from those who might be expected to sympathise with the weak and poor, who most need the protection and aid of government. This would be so absurd that the history of human folly records no instance of a people who have based their institutions on such a principle. All aristocracies, ancient and modern, have had their rise from a different source, but their use of power, however acquired, has always been such as I have here supposed. Thus the noblesse of France, under the old regime secured to themselves an exemption from all the burthen of the state, and the franchises of decayed boroughs in England were used to fortify and extend the rights of property and the privileges of wealth.

We see then how unsafe it is to trust to any thing like abstractions in a matter so practical as government. There is none which may not be carried out to consequences fatal to the well being of the community; and the philosophy of government will never admit that the happiness of millions shall be sacrificed to any theory however beautiful or plausible. The general proposition is true, that all government established by the consent of the governed is legitimate and of justly binding authority. And yet I have shown you how such a government might eventuate in the most mischievous results, so that this maxim must yield to another which declares the inalienable right of a majority of any community to change its form of government, however established, whenever it is found not to be adapted to the happiness and safety of the people, or not sufficiently secured against mal-administration. Now this proposition is in conflict with the former; for while the one asserts the binding authority of a government founded on consent and compact, upon all alike, and of course requires the unanimous consent of all to rescind

it; the other affirms that a majority have a right to abrogate the contract, and to impose a new one on their reluctant fellows. Seen in this light, this latter maxim savours of tyranny and usurpation; and therefore, though true, it is subject, nevertheless, to an important qualification. That qualification requires of the majority, so to exercise the power thus conceded to them, as to give a *good* government to those for whom they undertake to act. To abolish a compact, establishing, by universal consent, a just and wholesome government, and, for the advancement of the separate interests of a majority, to impose on a reluctant minority a government unequal and unsafe, would be plainly a dishonest abuse of mere physical power, and resolve all political rights into the right of the strongest. The right of a majority to change the constitution, will be found, on strict examination, to be nothing more than the right of every people to good government. To understand it otherwise would be to affirm that minorities have no rights. But no man can mean to affirm this. If nine men lose all their rights because ten men concur in wishing to invade them, then it rests with any one of the ten to reverse this state of things, and by the mere breath of his mouth to take away all the rights of his nine late confederates, and hand them over to the other party.

But let us assume, as our starting point, the safe and rational principle, that every people has a right to a good government, and we shall find the true source of the right of the majority to determine the choice of the community. In the absence of any tribunal to decide what is good, (and the nature of the case implies that there can be none but the community itself,) there is no way in which the question can be settled but by a vote, in which the majority of course prevails.

The majority then, as I have already said, in prescribing a change of constitution, is not so much exercising an inherent right, as discharging a sacred trust, and performing a solemn duty. Acting under a necessity imposed by the very constitution of the world, they should feel that they are performing a function to

which they have been called by the Creator himself. Their decision is no more infallible than that of any other human tribunal, and they should go to their task in fear and trembling. If foolish, it is their misfortune: if partial, it is their fault. In either case there is great mischief; but in the latter there is great wickedness.

The assent then which binds the individual to submit to the constitution and laws of his country, is not his consent to any particular form, but his consent to be a member of the community, a majority of which is the tribunal, appointed, as it were, by God himself, (for the right results from the nature of men and things,) to decide what form is best for the whole. From their decision there is no appeal; but their judgments are not necessarily right, because they are final and irreversible. If they err, there is a wrong done to the dissentients—innocently, if through honest mistake—criminally, if through design. But either way a wrong is done; for men are thus deprived of that great inalienable right to good government, which forms the basis of the authority of the majority to act for all.

There is no standard then of political truth, or political justice, but expediency. Not that expediency, which looks only to the interests of a party, or the convenience of the present hour, but that which is determined by an enlarged and enlightened view of the permanent interests of the whole community. If it be objected that there is danger in admitting a mere majority told by the head to decide definitively in an affair of so much moment, the answer is, that the *discussion* of *such a question* supposes a people *conscientiously desirous* to *know* and *do what is right.* In any other mood, numbers, feeling their power, will ask *no questions* as to their right to exercise it. But in that sober and discreet frame of mind, which disposes men to listen to the teachings of political morality, I repeat, that there can be no danger that a *mere* majority will venture on a step of so much consequence, or that *any* majority will take it which does not embody most of the wisdom, ability, virtue, and wealth of the community. It is idle to talk of what reason teaches, to men not in con-

dition to hear reason. Could the right of an infuriate mob, to overturn a wise, humane and just government, be disproved with mathematical certainty, the demonstration would be thrown away upon them. We may surely be allowed to say, that if a nation goes mad, it must be left to come to its senses, without being understood to affirm that it is right for men in their senses to act like madmen.

I have necessarily digressed from my subject, while offering these ideas, intended to vindicate from misconstruction the proposition which it was necessary to my argument to establish. That proposition may be stated thus: "That the proper standard of political truth and justice, is that expediency which looks, not to the interests of a party or to the convenience of the present hour, but which is determined by an enlarged and enlightened view of the *permanent* interests of the *whole community*."

Taking this maxim as our guide, we return to the subject announced in my last lecture. In that I showed you that the law of the colony of Virginia, which originally required a small freehold qualification in every voter, was founded on a principle of perfect equality among the members of the community. The question arising at the revolution may then be stated thus: "Had any thing happened, since the enactment of that law, which made it right for those who administered the government under it, to dispense with this qualification?"

In throwing off the dependence of the colony on the mother country, it became necessary to provide a form of government for the new state; and it was the duty of those who assumed this task to select the best. But what is best? If I have succeeded in any object I have proposed to myself in these lectures, it must have been in convincing you that there is no *best* in government, but that an infinite variety of circumstances may require changes in the government which is best for one people, in order to fit it to another. So thought our revolutionary fathers; and hence, in their bill of rights, they put forth no theory of government, but content themselves, as I

have already mentioned, with affirming that, "of all the various modes and forms of government, that is best which is capable of producing the greatest degree of *happiness* and *safety*, and is most effectually secured against the danger of mal-administration."

I think no one can object to this proposition, and that no one will deny that, if they who announced it were capable of discovering that precise form of government which, in their case, was best adapted to these ends, they were bound to adopt it.

Pursuing their enquiries with this view, they were aware of the primary importance of establishing the authority of the government on the basis of a proper constituent body. This was to be the *primum mobile*, the mainspring of the whole machine; and all must depend on its energy and the regularity of its action. How were these to be secured? They give the answer to this question in the following formula: "That all men having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage."

What they understood to be such *sufficient* evidence, appears by that clause of the constitution which declared that the right of suffrage should remain as then exercised; or, in other words, which assigns an equal vote to every freeholder of fifty acres of land. The vindication of this provision is to be effected by showing that it afforded a reasonable promise of happiness and safety, and a reasonable security against mal-administration, and I shall be warranted in contending that if this were so, it was to be preferred before any other plan less promising in these respects.

The dangers to be guarded against in a republic are those which proceed from want of intelligence and want of virtue in the constituent assembly; and the great danger to public virtue is from a conflict between the interest of the individual and the interest of the state. If then, there be a class in the community on whose intelligence a reasonable reliance can be placed, and whose highest interests must always be identical with the happiness, safety, prosperity, and freedom of the

state, it must be eminently desirable to secure to that class a great influence in the public councils.

Now, from the nature of the thing, a large majority of the freeholders of every country must be *comparatively* small freeholders, and, I believe, that they are always not only *comparatively*, but *absolutely* small. A large estate in lands takes up so much room that such estates cannot be numerous, while there is nothing to prevent the multiplication of small ones. Hence it will be found, that the establishment of a low freehold qualification in the voter, will give a constituent body, of which a vast majority will come under the description of small freeholders, and the powers of government will be therefore essentially in the hands of that class.

Now if there is any evil to be apprehended from this, against which a security would be found in universal suffrage, it must be something prejudicial to the unrepresented poor. What could it be? In the distribution of the burthens of the state, the small freeholder would be more interested to tax the luxuries of the rich, which he never tastes, than the necessaries of the poor, which are alike necessary for him. If a direct tax is to be laid, there is none of which he will pay so small a proportion as a tax on land, of which he who has no freehold pays nothing, while much the larger part is paid by the few great proprietors. The only tax by which a man without property can be reached is a poll tax; and when a hundred small landholders reflect that, of that, each of them must pay as much as a large proprietor who owns as much land as all of them together, interest will prompt them to add, in preference, something to the land tax, of which he is to *pay* as much as all of them together.

It is sometimes triumphantly asked if a man should be required to carry arms in a war declared without consulting him. The answer to this will depend on the nature of the military service demanded. If he is merely required to *defend* the soil where he is allowed to be, though not his own, and the country that shelters and protects him, he has nothing to complain of. It would be different if

he were compelled into a war of conquest, and carried by forcible conscription into foreign lands. The last man in the community who would think of authorizing the employment of the militia in such service, is the small landholder. If ever any thing of the sort is attempted, it will be found that it proceeds from the eager ambition of the higher classes, and that reckless indifference to life and the comforts of life in the lower, which always disposes them to enlist as soldiers. So much indisposed are the small landholders to military service, that we rarely find one of them willing to enter the regular army, even as a commissioned officer. Military rank is the appanage of the younger sons and younger brothers of the higher classes; and in the army we see the extremes of society meeting, in obedience to that law of affinity between them, of which I have already spoken. The small landholder shoulders his musket to repel invasion if necessary; but, that being done, he returns to the cultivation of the soil, and leaves the honours and the glories of war alike to those who have a taste for such things. If the question of war or peace depends on him, he will be the last to declare for war. There is none on whom the burthens of war fall so heavily as on him. His resources are diminished by the reduced price of his productions; he has no luxuries to retrench, so as to reduce his expenditure in proportion, but, on the contrary, his necessaries demand a higher price, while he has less means of paying for them. There is a class above him which may experience some slight inconvenience from war, and a class below him that gorges on its offal, but to him it is a blighting curse, and he hails the return of peace as an escape from ruin. So far as depends on him, the country will be saved from that dangerous passion for military glory and foreign conquest, which is the characteristic and the curse of democracies.

If the preponderance of the rich in the councils of the state is feared, there is no security so effectual as power in the hands of a class between the rich and poor. The reciprocal jealousy of the proximate classes may always be safely relied on. There is none who looks

with so much envy on the lord of broad and fertile lands, as he who draws a scanty subsistence from a small and sterile field. He gives him none of his sympathy, and it is his pride to think that his little farm, poor as it is, makes him independent of the other's favour. There are those in every community, who may be bought by the hundred for a glass of whiskey. The small landholders are not of these. Taken as a class, they are impassive to the corrupting influence of wealth. To that class, taken collectively, freedom, justice, security, stability, and the general prosperity of the whole community, are more precious than any thing that prince, or nabob, or demagogue can offer. It is a class which never did betray a country to despotism or anarchy: a class which wealth is not rich enough to purchase:—which ambition is never crafty enough to beguile. Nothing can be proposed, nothing imagined, good for that class collectively, which is not good for the community at large. There is none which feels itself so perfectly identified with the state. It not only draws its subsistence from the soil, but lives on it. The wealthy owner of large estates may dwell in cities. He *values* the soil, but he does not learn to love it. The small farmer takes his nourishment from it, as it were from the breast of his mother. The other is weaned and fed by hand, and, as he gorges his full meal he does not draw his chief delight from looking on the fair face of nature that smiles on him as in love. The man of wealth, or the man of high intellectual endowments may be tempted by gain or ambition to sacrifice his country. The small landholder is too sensible of his limited means to venture on any such rash experiments. He is his country's, and hers only. He is altogether hers, and she is his all.

I beg you to observe moreover, that there is no other basis of representation, which so well adapts itself to changes in the condition of society. If all be landholders, then all are represented. When the advance of society, and the accumulation of property, have reached that point at which the rich exercise an influence over the very poor, which might be dangerous, the

danger is averted, for the disfranchisement of the latter makes him a harmless instrument in the hands of the former. Arm him with the ballot and he becomes a sharp and ready weapon wielded at will. In a farther advance of society, when the poor, more numerous and hungry, are disposed to turn upon their former patrons, and invade the rights of property, the class of small landholders still imposes the authority of its elective franchise, to give security to the one party and relief to the other. In short, no body can be found so well endued with the steadiness proper for defence, and at the same time with the *vis inertiæ* which disqualifies it for usurpation, as the class of small landholders.

Gentlemen, if the definition of good government given by our fathers be just, what better security for such a government can human wisdom devise than such a constituent body as this? Certainly, if there be any one feature in the old constitution of Virginia, which, more than all the rest, entitles its framers to the praise of a regulated zeal for liberty, tempered by wisdom and prudence, it is that short clause which declared that the right of suffrage should remain unchanged.

I have dwelt thus much on this particular feature of the original constitution of Virginia, because, though it is now but a thing of history, it affords an instructive lesson. At present, our business is less with that which is, than with that which has been. It is from the history of the past that we draw wisdom for present and future use.

The constitution adopted by Virginia at the revolution, was a stumbling block and an offence to political theorists as long as it endured. It worked well; and, while they busied themselves in proving, to demonstration, that its operation must be evil, it continued to work well, and, by giving the lie to their demonstrations, did but the more provoke their resentment. But, while I condemn this uncandid and unteachable spirit, I would not have you understand me as condemning theoretical views of government. Sound theory is never falsified by results. The error is in beginning to theorize too

soon, and in confiding too much in untried theories. We reason from cause to effect, and where history affords examples where the effect we would produce has resulted from the causes we are about to put in action, we may confide in conclusions thus verified by experience. But where history furnishes no such examples, we should go to the work of theory and experiment in an humble, cautious and docile mood. In such a mood the people of Virginia, ten years ago, would have doubted the wisdom of throwing away the old constitution under which she had been free and happy for more than half a century; and her political leaders, instead of reading lectures on fair and fanciful theories, would have put themselves to school to experience, and tried to discover the true secret of so much practical excellence. They had seen the experiment of universal suffrage tried elsewhere, and if they saw nothing in its fruits which they had reason to envy, they perhaps accounted for the failure by reflecting that the people among whom it had been tried were not *Virginians*. I shall be the last to deride the feeling which suggested the solution, but it might have been wise to reflect that Virginia, perhaps, was what she was, because her institutions had made her so. That very feeling had probably no other origin. While Virginia entrusted all authority in her affairs only to those who furnished evidence of a permanent common interest in all that concerned her rights, her welfare, and her honour, she had reason to expect that her sons would cultivate the pride of birth, and love of country that distinguished them. They *were* proud of her, and she of them. It was *their* pride to make her name respected and honoured everywhere, and it was *her* pride, to place in her posts of honour and distinction, those who were worthy to uphold her fame.

Has there been a change in this respect? Too much of the impression made on my mind in early life remains to this day, to permit me to speak of her but in the spirit of that loyal allegiance and devoted faith, which, under all circumstances, have bound me to her. In the distant land where so much of my life has been

spent, my heart still cleaved to her. Her sons were my brothers, and I never saw one of them, who, in declaring the place of his birth, did not speak with the flashing eye of honest and exulting pride. God forbid that I should ever bring myself to speak of her with diminished respect! To do so now, and here, would be to wrong my own feelings and yours, and to wrong this venerable institution, identified with her old renown. But I cannot conceal from myself the fact that her estimation abroad is not what it has been. When I seek the cause of this, and look for such indications of degeneracy as might justify it, I find that she still numbers among her sons men not less distinguished than formerly, by wisdom, and virtue, and energy, and unshaken devotion to her rights and ardent zeal for her honour. On every hand I see men who might grace the councils of the most enlightened nations upon earth. But *where* do I find them? Does she wear them, as of old, like jewels on her brow? Does she still point to them, like the Roman matron, as her treasure and her pride? It is among *them* that the people of other states still look for the counsels of wisdom and the sacrifices of patriotism. But *the men* to whom *they* look are driven from the service of their native state, and condemned to obscurity. Formerly it was remarked of Virginia, that, although in safe and tranquil times her government was administered by second and third rate men, yet, on every emergency, the best talents of the state were offered for public service, and eagerly accepted. It might happen that a particular post might be denied to a man of acknowledged virtue and distinguished ability, but he was not, for that reason, set aside as unworthy of *all* trust and confidence. If he felt that his country needed his services, he tendered them, and a place was found for him where he could be useful. Not so now. A sentence of utter disqualification is unhesitatingly pronounced against the best and ablest, and the halls that once listened to the counsels of wisdom, and echoed the strains of eloquence, now witness the low wrangles, and dishonest acts of vulgar ignorance and base intrigue.

If I were required to point out the cause of this la-

mentable change I am not sure that I should ascribe it to *any single* cause. But I should be at no loss to say, that the extension of the right of suffrage to men not having a common and permanent interest in the honour and welfare of the state, must have been highly instrumental in producing it. To the same cause I should ascribe in great measure the abatement of that state pride which once made a zeal for the rights and sovereignty of the states of this Union a characteristic of Virginia. Among her *statesmen* these things were prized and cherished for their practical value to freedom and the equal rights of all. With *them*, their allegiance to the sovereignty of the state was founded on their conviction that that sovereignty was the only sure and ultimate guardian of all that is dearest to man. But the reasonings which led *them* to this conclusion were not level to the understandings of the multitude. Yet, in these too, the same attachment existed, not as a *principle*, but as a *sentiment*, about which they did not condescend to reason. That sentiment has passed away, and Virginia no longer claims to be regarded as a sun sole and self-poised, but is content to be looked on only as a planet of one great concentric system.

I have already intimated to you that the change in the constitution of Virginia was not the natural effect of causes operating within herself, but superinduced by influences from without. I shall hereafter have occasion to show you that the very purpose for which these influences were exerted, was to produce that change in the character of her people of which I have here spoken. I expect to show you, at the proper time, that the advocates of centralism saw, that the great battle of federal usurpation was to be fought in the convention which changed the constitution of Virginia. It *was* fought and won; and the power of Virginia is broken, and her pride is humbled, and her word which once "had stood against the world," is heard but heeded not.

In conclusion, gentlemen, let me say, that we must cease to consider political science as an affair of practical wisdom: we must renounce all the teachings of experience, before we can consecrate, as an essential

right of man, a pretension fatal to his happiness. If the affairs of a people will be most discreetly administered by the ignorant; if the reign of virtue will be best secured by the authority of the vicious; if the elements of happiness will be most carefully cultivated by those who are strangers to that essential happiness whose seat is in the mind; then may the claim of all men, in all conditions, to an equal voice in the councils of a nation, be fully justified. Until then we must be permitted to believe that there is something radically false in a principle, which, in its operation, overturns the empire of reason, inverts the order of natural society, dethrones the MIND of the community from its just supremacy, and assigns the tasks of thought to the unthinking, and the authority of law to those who should be the subjects of its corrective discipline.

That such has been the tendency of the extension of suffrage in Virginia, is manifest to all who are familiar with the composition of her legislature as it once was, and as it is. That the mischief has been less among us than in some other states of this Union, is to be attributed in part to the institution of domestic slavery. Of this I shall speak hereafter.

To the Editor of the S. L. Messenger.

The following Essay was prepared to be read before the National Institute, at their meeting of April 1st, 1844. The writer, having been invited to deliver an address, or to read a paper before that assembly, accepted the invitation, and announced that his subject would be "the Moral and Political Influence of the Relation between the Caucasian Master and the African Slave." He was aware that apprehensions might be entertained, that, in the angry and excited state of public feeling, this subject might be brought forward by a citizen of the injured and insulted south, with some

purpose of recrimination. Hence he took the precaution to assure the secretary of the institute, that he intended nothing of the sort, and that the views he proposed to present could not, by possibility, give offence to the most sensitive. Still he was not surprised at receiving in reply a letter advising him to forbear the subject. He had learned indeed that "a soft answer turneth away wrath," but he knew, too, that there are circumstances under which every attempt to soothe does but exasperate. There are some substances which, in combustion, decompose and convert into explosive gas the water that is used to quench them, and *philanthropy*, it seems, is supposed to possess an analogous property. He therefore readily accepted the advice so kindly given, and forbore to press the claim of the south to plead at the bar of public opinion against the charges on which she had been condemned unheard. *Rhadamanthus castigat, auditque.* He *punishes first*, but, if the victim has any thing to say, he will *then* hear him. The methods of philanthropy are yet more stern. She will not hear even then.

The writer on his part, delighted at an opportunity to plead the cause of humanity at the bar of philosophy, and before a jury *de medietate*, had immediately addressed himself to his task, and before the receipt of this discouraging letter, had written more than half the following essay. Having begun, he determined to go on with it, and, in handing it to the Messenger, sees no need to throw it into a different form.

It will be seen that he has treated only on the *moral* part of the subject. He soon found that he could not do justice to the whole in a single essay of appropriate length, either for a public audience, or the pages of a periodical. At another time he may ask you to give place to his thoughts on the *political* effect of domestic slavery.

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To the Hon. Charles J. Ingersoll.

Sir: I am happy in an opportunity to dedicate the following essay to one who has shown a wish to know

the truth, and to judge with candour and justice on the subject of which he treats. It is so convenient to let prejudice supply the place of information; so easy to censure what we do not understand; so pleasant to magnify faults which we have no temptation to commit; and so consolatory to repent of the sins of other men, that he who magnanimously denies himself these cheap enjoyments, well deserves to receive some equivalent therefor. I have nothing better to offer than my poor acknowledgments. I beg you to accept them, and with them the assurance that the people of the south are not insensible to the candour, justice and humanity which characterize your conduct in regard to an interest which lies not nearer to their purses than to their hearts.

With assurances of the highest respect,
I beg leave to subscribe myself
Your obedient servant.

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LECTURE XVI.

An Essay on the Moral and Political Effect of the Relation between the Caucasian Master and the African Slave.

Gentlemen: I am not sure but that some may think that I owe an apology for introducing the subject to which I invite your attention. Did I propose to treat it in the angry and contentious spirit it so often excites, no apology ought to be received. I beg leave to assure you, in advance, that I have no such purpose. The subject is one intimately connected with the happiness and the duties of a large portion of the inhabitants of the United States. It is at least important that *they* should understand it rightly. These, on their part, have reason to wish, that they whom it does not so immediately concern, and who judge of it at a distance, should see it in its true light. The love of reputation is natural to man, and it is not easy for any one to sit down under the reproach of the world, entirely satisfied

with the judgment of his own conscience. This indeed is indispensable, but this is not all.

In this assembly, devoted to the cause of science, the discussion of a subject connected with the two important sciences of government and morality cannot be out of place. In a catholic association intended to harmonize the feelings and judgments of those who have so much in common, it is desirable that every thing possible should be done to convince all of the wisdom and justice of opinions and conduct, which, though confined to a part, that part cannot be expected to change. In an association intended to collect, as in a focus, the light emanating from every part of this extensive union, it would seem the duty of each to bring forward his ideas on subjects which he most particularly understands, and these are the very subjects to which others, possessing less means of knowledge may be expected to give the most willing attention.

In an assembly, so enlightened as this, I should not presume to open my lips on a subject of general science. To attempt it would be but to give back to the sun a dim reflection of his own light. And this society itself—what is it, but a member of that great society of scientific men throughout christendom, which is in perpetual session for the discovery of truth, and for so disseminating it, as to make the knowledge of each the knowledge of all? It is true that the sun of science has but lately risen on this western world; and it is not to be expected that much will be discovered here in departments which the learned of Europe have been long exploring, with all the advantages that we possess. Although something of this sort has occasionally been accomplished, yet Europe may be expected to look coldly and discouragingly on such researches. The praise due for discoveries and improvements actually made has been grudgingly awarded. But let us speak of what is peculiar to our own country, and straightway the jealousy of our European masters in art and science is appeased, and the most learned are the most ready to become our pupils, and to increase their ample stores of knowledge from our authentic materials.

Cuvier himself would take instruction from the illiterate miner, and draw from his facts conclusions to elucidate the great marvel of CREATION.

To the great marts of science, where its votaries congregate for the exchange of knowledge for knowledge, and thought for thought, each man should come freighted with that which his own country yields, and especially that which cannot be found elsewhere. Should there appear among us an inhabitant of the interesting but unknown country of Oregon, professing to tell us of its soil and climate, its streams, mountains and minerals, we should listen with patient interest to all he might say concerning these, though, on any other subject, his best thoughts might be unworthy of notice. In like manner, gentlemen, I, who, on any other topic but that I have selected, should sit in the place of a learner, venture respectfully to claim the attention of this enlightened assembly to what I shall offer, concerning the great moral and political phenomenon which forms the striking and peculiar feature in the character and history of some of the states of this Union.

I am aware I may be met with the sound legal maxim, "*Nemo in propria causa Judex.*" But my business is to reason and to testify—not to decide. Reason stands for itself resting on its own strength; and in an assembly like this we owe it to each other to receive testimony as true, and even judgment as candid. Why should it be otherwise? No claim of right, no interest is involved in any discussion here. Elsewhere, unfortunately, this is not the case. In the only other place where this topic can be discussed between those among whom the institution of domestic slavery exists, and those who are strangers to it, it is so blended with questions of political power and individual interest, that it is always a subject of altercation, and not discussion. Do not the very bitterness it excites, the angry crimination, the fierce recrimination it provokes, demand a calm and candid investigation of its real merits? Shall I not stand excused for offering the results of a life's experience and reflection on a subject so differently understood by those, who, it is to be wished, may be

brought to see it in the same light? Shall I be blamed for offering to pour oil upon the wave which is beating against the foundations of the Union, and threatens to wash it from its base?

The empire of opinion has its tribunals before which all are liable to be arraigned, and none should deny their jurisdiction, who do not desire to see that mild and ameliorating authority exchanged for the restored empire of the sword. The spirit of our institutions and the spirit of the age alike demand an account of every thing which seems like a disturbance of the natural equality or an invasion of the natural rights of man. Our large experience of the blessing of personal and civil liberty, awakens in every benevolent mind a desire to see that blessing extended to every individual of the human race. But what is liberty, and how far it may be enjoyed by all, are questions of acknowledged difficulty. While we believe it to be the will of God that the life he has given should be a life of happiness to all, and that the sources of happiness distributed throughout the earth should be enjoyed by all, we cannot shut our eyes to the fact that he himself has thrown obstacles in the way of that equality of enjoyment which we have assumed to be his general purpose. *He* has made the sources of enjoyment more accessible to some than to others, and *He* has endowed different individuals with capacities for enjoyment yet more various than the faculties and opportunities by which its means are to be procured. These two points of diversity in the human race have led some to charge their Maker with partiality: while others, well pleased to observe that whatever advantage is alloted to some over the rest, is in their favour, are quite ready to acquiesce in the justice of the arrangement.

Both are in error, and the error in both is proved by the false corollaries they themselves deduce from their reasoning. In the first it leads to envy, hatred and malice, and to all those crimes which it is the office of government to restrain and of law to punish. In the last it stifles sympathy; it nourishes false pride; it engenders false appetites and stimulates to indulgence

and excess, by which the moral and intellectual man is transformed from the image of his God to that of a beast. These indeed are not denounced by law as crimes, for no law can reach them. But they are not the less evil because incorrigible.

But how shall we vindicate the justice of the Creator, unless we find some principle of compensation for these glaring inequalities? And where shall we find one, unless indeed one of these inequalities affords a compensation for the other? Let us see how this may be.

Money is the common measure of values, and wealth supplies the fund with which most enjoyments may be purchased. There are few sources of happiness to be explored and appropriated, to which wealth will not procure access, while it furnishes the price we must pay for them. The faculties which are most rare and most valuable to others, afford the possessor the surest means of acquiring wealth. Foremost among these, because rarest and most precious, are the powers of the mind, knowledge, genius, readiness of comprehension, originality of thought, soundness and sobriety of judgment, and all that marvellous combination which chiefly distinguishes man from his fellows, and to which collectively we give the name of talent. These have but to name their price, and it is readily, cheerfully, thankfully paid.

In this assembly I see myself surrounded by those whose presence here is a proof of high excellence in these endowments. But are these the wealthy of the land? By no means. And why not? There is not one present whose consciousness will not testify to the truth of the answer I am about to give..

It is because the gift of intellectual superiority is, by the wise dispensation of the Creator, associated with peculiar tastes and desires. The gifted son of genius does not so much as stretch forth his hand to take the wealth that courts his acceptance, because his thoughts are fixed on some of the few sources of enjoyment that wealth cannot purchase. The delight of revelling amid the creations of fancy, the hardy joy of

tasks of thought, the love of knowledge, for its own sake, the desire to diffuse the light of truth, and to advance the empire of mind, the desire to promote the welfare of our country and the happiness of the human race; above all, the love of honest fame, the just reward of intellectual excellence and moral worth, and active service in the cause of humanity—these are the instincts of greatness. Turning from the low pursuit of wealth, it is with these that minds of a high order satisfy their natural cravings. Disdaining to scramble for the draff and husks that fill the common trough, they take nothing from the fund that supplies the enjoyments of others. On the contrary, the fruit of their labors is to replenish that fund. The rich man is made richer, and the comforts of the poor are increased by their discoveries in art and science, and the happiness of all is secured by their wisdom and justice. Is it the worse, or the better, for those who court wealth; for those who delight to revel in the pleasures of sense; for those who wisely limit their desires to moderate competency; or for those who find their happiness in the bland sweets of domestic life, that God has been pleased to endow each man here present with faculties of a higher order than theirs, and to implant in each bosom a source of enjoyment which would be ill exchanged for the mines of Golconda?

I am persuaded, gentlemen, that there is not one member of this assembly, who does not bear within his own breast a witness to the truth of what I have just said. It would be superfluous to add examples to illustrate the means devised by the Creator for equalizing the opportunities of happiness among his creatures, and multiplying the sources of enjoyment in proportion to the number who partake of it. But other instances abound in which the very antagonism of tastes, capacities and powers, is made reciprocally a source of happiness to all concerned. I beg you to observe the multiplied diversities between the male and female character, contrived with a view to the happiness and to the moral and intellectual excellence of both. Is it by chance, or by any necessary conse-

quence of his sex, that *man* is bold, hardy, enterprising, contentious, delighting to struggle with difficulty, delighting in contests with his fellows, and eager to bear away the prize of every strife? Woman, on the contrary, timid, feeble, helpless, shrinks within the domestic sanctuary, and feels that the great want of her nature is security for herself and her offspring. This she owes to the exercise and indulgence of the distinctive powers and passions of him to whom she looks for protection, while he, in her trusting helplessness and grateful love, finds the reward of his toils, the crown of his triumphs and the consummation of his felicity.

So far, without any stretch of presumption, we may venture to believe that we understand the design of the Creator. But the world is full of phenomena, physical and moral, which admonish us that many of his ways are "past finding out." We everywhere see a sort of affinity of opposition, a sympathy of antagonism, a combination of incompatibilities, while one strange wild strain of harmonious discord rises from the whole. In all things we find a sort of polarity, which suggests the idea of absolute incongruity between things to all appearance irreconcilably hostile to each other, when presently we see them drawn together by the power of an irresistible and exclusive attraction. On this strange law depends the whole theory of chemical affinities. Substances similar, or not much unlike, may mix and blend, but each retains its own properties. Contrast and opposition are necessary to that intimate combination which produces a new substance. In this, all the sharpness and asperities of the constituent parts are lost forever, and things which before seemed eager to contend with each other to make the life of man their prey, unite to form a healing drug that restores him to health and vigour.

In the moral world we see much analogous to this. It is surely not by chance, that the human race, sprung from one common parent, has undergone the various modifications that make the difference between the intellectual Caucasian, the fierce Malay, the soft Hindoo,

the rude but docile Negro, and the brutish and intractable New Hollander. If we inquire after the *modus operandi* by which these changes were wrought, the naturalist may tell us of the influence of climate. But who made climates to differ, and who shall limit the power of the Most High to counteract their influence were such his will? It was clearly his design that these diversities should exist. Shall we deny ourselves liberty to investigate his purpose in this? Let me not be told that it is presumptuous to scan his purposes. To question their wisdom and justice is indeed presumptuous. But the instinct of religion in the heart of man has taught him, in all ages, to inquire his Maker's will, that he might live in conformity to it. Hence the universal craving after revelation. Hence the readiness with which every thing professing to be revelation has ever been received. Man has felt it to be his duty to know the character and purposes of his Creator. He has felt that the Creator must desire to reveal himself and his will to his creature. The research which was piety in Socrates, Plato and Tully—can it be impious now?

But God has himself revealed his great purpose in the creation of the human race. It is the eternal happiness of all, through faith in the Redeemer of the world. It is his declared will that all shall come to the knowledge of that truth on which eternal life depends. Can we believe in any purpose inconsistent with this? In contemplating the divine tactic according to which the whole human race is marshalled, are we not bound to seek some way of reconciling the details to this great end? Are we not authorized to believe that, in some way incomprehensible to us, these and all things else are *subservient* to it? We see the various products of the earth so widely scattered over its surface, as to invite to a universal exchange of commodities. In the universal intercourse of man with man to which this leads, we find the motive to this distribution. It diffuses knowledge over every part of the globe, and makes the seed of Shem and Canaan partakers of the great truth committed to the restless and enterprising race of Japhet.

The diversities in the human species may be intended to conduce to the same great purpose. They suggest the idea that each race may be useful to the other, and may lead to combinations by which the condition of all may be improved, and the light of truth diffused among all. We plainly see how the other races may derive advantage from their intercourse with the Caucasian. It is not as yet so plain what benefit we may receive in return from the Malay or the Hottentot. Time may show. But in the case of the negro the discovery has been made. It was seen that his labour might be appropriated and turned to profit, and this led the white man to seek to open intercourse and form a connection with him. The motive was indeed unworthy and sordid, but the result has been the physical, intellectual and moral improvement of the inferior race, and, in some respects, of both.

I proceed to show this; for I freely admit that, if the connection between the Caucasian and African races has not been attended with moral good, every apology that can be offered for it must be rejected.

On the other hand, it may be fairly contended, that, if the temporal results are good, and promise well for the future welfare of both parties, then, though such results may not justify the means used to establish the connection, yet the connection itself is good and ought not rashly to be sundered. The actual working of the great machinery contrived by the All-Wise Creator cannot be far from right, when it tends to the great declared purpose of the creation—the temporal and eternal happiness of his creatures.

It is a striking fact, that, of all the sons of Adam, that particular family to which God chose first to commit his oracles, have always proved themselves, God being himself the witness, the most stiff-necked, rebellious, intractable and unteachable. It is in perfect harmony with this, that the European nations, to which the Gospel of *love*, and *peace* and *humility*, was first communicated have been distinguished in all ages by systematic, far-seeing, concentred *selfishness*, by a *taste for war*, by restless *ambition* and indomitable

pride. Is there no reason for this: would the Jews, who hardly believed when God spoke to them in thunder from Sinai, have received the testimony of man? And is not their stubborn incredulity, at this day the strongest *human* evidence of the truth of the Old Testament, which *even they* believe? Were all Jews, would all believe in Jehovah, unless every mountain were a Horeb—every stream a Jordan, witnesses of his miracles? And the Anglo-Saxon race, the great herald of moral and political truth—were they to whom they carry their tidings and their lessons such as themselves, would they submit to be taught, unless their teachers could sustain their testimony by miracles such as authenticated that of the apostles? The stream which is to water the land and replenish the ocean must flow from the mountains, and the vapours that feed them must be raised from the earth by a power which is not of the earth, that they may be collected and precipitated on eminences which must otherwise be doomed to eternal drought. To turn back the course of the rivers to the mountains would be hardly more preposterous than to attempt to diffuse truth by sending it from the credulous to the sceptical, from the humble to the proud, from the timid to the bold, from the stupid to the intellectual. Hard as it was to make believers of Jews, and christians of Europeans, it was with them that the task of enlightening and evangelizing the world had to commence.

When I thus show, that the precious truths of the gospel have been first imparted to us for the benefit of others, to the end that, having freely received, we should freely give, it will be seen that I have at least entitled myself to the praise of candour. I have made a case of solemn and important duty imposed by the blessings we enjoy, and prescribed as the very condition of their enjoyment. How we have performed this duty is a question we are bound to answer, and in doing this we must not palter with our Maker, or shrink from the strict account that the giver of all good demands.

It would be worse than disingenuous, it would be false to pretend that the first intercourse between the sons of Japhet and Canaan took its rise from these con-

siderations. The attempt to trace their connection to such a cause would be absurd and impudent. It originated in cupidity; it was effected by violence and outrage; and characterized by the most barbarous cruelty. These things I do not propose to palliate. I have no wish, and I can have no motive to do so. It is a matter that touches us not. The sin is not ours nor that of our fathers. But whoever were the perpetrators, candour suggests a sort of apology, not only for their first fault, but for their more recent zeal to redress the supposed wrong of their victims. We have but to think of the African as he appeared at first to the European, hardly bearing the lineaments of humanity, in intellect scarcely superior to the brutes, and mainly distinguishable from them by the greater variety of his evil propensities, and by a something answering the purposes of speech better—though not much better—than the chattering of monkeys. Use has made us familiar with the colour of the negro, and experience has made us acquainted with his heart and mind. Having learned to love him, let us not marvel to find a sympathy for his supposed wrongs in the breasts of those who once may have doubted whether he had a soul to be saved, or how his Maker could hold him responsible for the faults of a nature at once his crime and his punishment.

But it is not to censure, to palliate, or to justify that I advert to this. I speak of it only as a fact; as the starting point from whence we are to trace the moral influence of the actually subsisting relation between the two races.

That, since that relation was first established, there is a great moral improvement in both will not be denied. The remarkable fact is, that this is greatest in those particulars which most influence, and are most influenced by that relation. So far as hatred has given place to love, dishonesty to fidelity, licentiousness to modesty, so far the change must meet the approbation of him, who, regarding the heart as the seat of crime, condemns every one who, even in thought, commits murder, adultery, or theft. I am well aware that this

change is, in part, attributed, by those who view it from a distance, to a sort of moral coercion exerted by public opinion in this enlightened and moral age. It were well if this were so. The same opinion might also exert its influence in favour of the peasantry of the old continent and the labouring class in Great Britain. But, strangely enough, it has happened that while the white man was learning to appreciate the good qualities peculiar to the negro, and while the slave was learning to love his master, a change of precisely opposite character was going on in Europe. That change has deluged her realms with blood, and still threatens to overthrow all her institutions, political, social and moral. One who will acquaint himself with the passionate loyalty, on the one hand, and the mild paternal authority, on the other, of the Irish peasant and his landlord a century ago, will find something not widely different from the mutual sentiments of the master and slave at this day. What may be seen in Ireland now is surely not much better than the slavery of the African ever was in its worst form. The bond of sympathy that once connected the landed proprietor with all who lived upon his land is severed, while a like sympathy has been engendered between the white man and his negro slave.

If it be true that "love is the fulfilling of the whole law," then, in a moral and religious point of view, the growth of this sentiment between two races before divided by the strongest antipathies, is an approach toward that blessed condition when all the earth shall be full of the knowledge of the Lord, and all hearts shall be knit together in love for the sake of Him who loves them all. In that day, we are told, "that the lion shall eat straw like the ox,-and the wolf shall dwell with the lamb, and the sucking child shall play on the hole of the asp, and the weaned child shall put his hand in the cockatrice's den." How is this to be understood? Literally—of the beasts of the fen and forest? By no means. The lion must cease to be a lion in his *physical* nature before he can cease to live on flesh. May we not rather understand it of the lordly white lion of Caucasus, of the patient negro ox, of the fierce red

wolf of our western wilds, of the meek Hindoo lamb; of the serpent-like Malay, with his envenomed creece, and the foul Hottentot hyena gorging on garbage? All these are to be brought to harmonize and live in peace and love. The first step has been taken. The amicable union of two of these races has been brought about, though by means at first promising no such result. If these means were to be now used, the end might not justify them. It is not for *us* to do evil that good may come, for it may never come, or it might be divinely accomplished at no expense of evil. But when it is accomplished, shall we reject it? When the price has been paid and cannot be recalled; when God has been pleased to overrule the evil to his own good purposes, shall we cast away the benefit? Above all, shall we make it a brand of discord between brethren of the same race, to consume, like withes of straw, the ties of a common origin, religion and language? I beseech you, gentlemen, let not this be so; and I pray you to hear me candidly, while I endeavour to show that the amelioration of the condition and character of the African slave in the United States, and the mild virtues which have taken place of savage cruelty in the breast of his master, are not the result of extrinsic causes, but the proper and natural fruit of their mutual relation; acting on the radical diversities between the Caucasian and the African races.

The only sound morality is the morality of the gospel. Its sanction is faith—faith by which the heart is made better;—by which the will and affections are subdued to spontaneous obedience, through love to the author and founder of that faith. Its corner-stone is humility —its essential characteristic is subordination of the heart. Whatever habituates the mind of man to this, prepares him to receive God's truth in the love of it.

Such, I maintain, is the natural and proper effect of slavery on an inferior race, placed in direct subjection and immediate communication with a master race of unquestionable superiority,—a superiority clearly admitted and manifested in all the affairs of life. So circumstanced, the love of the slave for his master, is

developed by a sort of *vis medicatrix Naturæ*. They who vindicate slavery as a prolonged war, offer but a lame defence; for war itself—what is it but violence and wrong? And what must be the condition of both parties living together in a state of rankling hostility? Must not both be eager to escape from a condition so wretched, by cultivating in both a more kindly sentiment? The slave particularly, who sees no escape from his thraldom, and whose master is ever present to him in person, or by a power which is felt continually, feels the necessity of engendering in his own breast a sentiment, by virtue of which his fate, otherwise intolerable, may be made happy. He must learn to love his master or be miserable. On the least encouragement his affections gush forth like a healing balsam issuing from the wound itself. This upward tendency of the slave's affection for his master points directly to the throne of God. Let it be extended in the same course, and it terminates there. It prepares the mind for a faith congenial to its temper, and never thrown off. It is steadfast and endures to the end. It may not always thoroughly sanctify. It may sometimes be so mixed with error as to fail to reform him; but it is never renounced. The spirit that chafes and frets at control, and would not have had God to rule over it, has been already subdued to the authority of a human and harder task-master, and the slave finds a sense of enlargement, not restraint, in bowing to the will of Him who is Lord of all.

Many persons believe, (and the thought is so beautiful it well deserves to be true,) that the distinctive characteristics of some inferior animals were given for the edification of man. Qualities which make some pernicious to the human race become associated in our minds with abhorrence, loathing or disgust. Others seem set before us as lures to virtue for which we cherish them, which we learn to love in them, and to cultivate in ourselves. The child is easily turned away from vices habitually stigmatized with epithets coined from the most hateful names in his nursery tales. A whole volume of reproof is conveyed to the infant

mind, when he hears of wolfish rapacity, serpent guile or tiger-like ferocity. But apply to him the endearing epithets of lamb or dove, and his bright smile and laughing eye tell how sensibly he feels the approbation and love implied in such expressions. The moralist has availed himself of this, and the heart and mind receive few lessons more touching or more profound than are learned from the fables of Æsop and Gay. The latter avows that his apologues are written with this view. Every man who will analyse his own mind must be sensible how much he has learned from them, and no father would willingly dispense with such efficient helps in the great task of education.

Of all the creatures by whose mute teachings and exhortations the mind is enlightened, and the heart made better, there is none that inculcates a lesson so salutary as that of the humble, faithful, affectionate and cheerful African slave to his proud, self-seeking, restless, discontented and unthankful master. Does that master ask, as he sometimes does, why he should love God, who requires of him that he should eat his bread in the sweat of his face; who punishes all his misdeeds and short-comings; who sometimes afflicts him when conscious of no fault; and whose eternal wrath is denounced against hardened impenitence? How must he stand rebuked, if he lifts his eye to mark the look of affectionate solicitude, which, at the moment, is scanning his troubled and moody countenance; when he hears the kind tone that asks to know his wishes; when he sees the ready smile that accompanies the prompt obedience; and then reflects that these things come from one not *his* creature; whose powers and faculties are not of *his* gift; but of whom he requires all that God demands of him, and on whom he has sometimes inflicted severities he knows to have been unjust?

I beseech you, gentlemen, reject not this idea because it may seem new and strange. It is not new. It is not strange. It is *God's* truth which he has often spoken to the heart of each one of you who is a father. The application alone is new. How often, when your

heart has relented over the meek and affectionate repentance of an offending child, have you heard those gracious words; "Like as a father pitieth his children!" And what does he demand in return? That you should love him as a child? Aye; and more than that. That you should love him as a slave loves his master, if he be only not harsh, oppressive and cruel. The love of the child may be warmer and fonder: but it is not so meek; not so trusting; not so patient; not so enduring; not so *christian*. The child buries the father, and divides the inheritance, and makes him a family of his own. The love of the slave cherishes his master's memory, when all besides have forgotten him, and watches over his grave like the meek and loving boy by his Redeemer's cross, when all besides had forsaken him and fled. The last tear that flows to the memory of a kind patriarchal master, trickles down the cheek of a slave.

Do you demand the *rationale* of this? Do you insist that I shall show how it can be so? Will you continue to believe that I labour under some strong delusion, (my sincerity you cannot doubt;—I know it—I feel it,) until I have proved by argument *a priori*, that such should be, and must be the natural and necessary result of his condition? I am ready to do so, for I derive the answer from the same divine example, which cannot mislead.

God demands our hearts. He loves us as a father, and seeks our love in return. But does he seek it by the same means we use toward our children? His love is the same, but his discipline is far wiser. He does not expect love as the return for unpurchased benefits. All our comforts are the purchase of toil and care. He does not woo it by fond indulgence. "Jeshurun waxes fat, and kicks." He does not soothe by weak mistaken clemency. "He scourgeth every son whom he receiveth." He does not seek to make a temporary relation, a relation soon to terminate in complete independence, the basis of an enduring empire over our hearts. He has bought us with a price. We are his, body and soul—for time and for eternity—now and

forever. He gives us food and raiment, and bids us be therewith content; and he cheers our progress along the path of life by that gradual melioration of condition, which rarely fails to attend on honest industry, and which our own experience tells us is best for happiness. *The unfortunate fortunate* few, who, without merit and without exertion, are suddenly advanced to situations and circumstances for which they are not prepared, who, envied at first, are found in the end to be objects of commiseration, seem set for examples from which the multitude may learn patience and contentment. Such are his methods with us, and precisely these he commends to the master in his treatment of the slave, by making such treatment conducive to his own comfort and prosperity.

It is no part of my plan to speak of the physical condition of the slave. But I am constrained to advert to it here, so far as to show the justness of the analogy I have pointed out. Without descending to details I will go so far as to say, that his condition is one of steadily progressive improvement in physical comforts and enjoyments. I will instance only one proof of this general proposition, which rests not on the testimony of individuals, but will be verified by all persons whose memories go back as much as half a century. It is the gradual increase of the *stature* of the slave, and his gradual improvement in personal appearance and personal habits during that time. In this assembly it would be superfluous to argue from these facts, that there must have been, during that time, a corresponding improvement in all the elements of comfort and enjoyment. The most unpractised eye will be at once struck with the difference in these particulars, between those who have been for many generations among us, and those whose ancestors have been more recently introduced. If this advancement were more rapid, it might presently come to a stand, like the precocious prosperity of nations that get rich too fast. What follows is a form of wretchedness from which there is no escape—the wretchedness of those who continually and hopelessly cry, "who will show us any

good ?" I rejoice to think that many generations may yet pass away before the African slave or his master will reach this pinnacle of splendid misery. In the mean time it may be hoped that both will continue happy in that condition most favourable to virtuous contentment, a state of steadily progressive advancement in the comforts of civilization, and in the moral and intellectual improvement that civilization imparts.

Were it my purpose merely to vindicate the institution of domestic slavery, by showing that the relation actually subsisting between master and slave is favourable to the growth of religion in the hearts of both, I might rest this matter here. But this would be an imperfect view of its beneficial results. To say that any thing makes men religious is to say that it makes them better. But not only has slavery proved a nurse to virtue *through the agency of religion:* It comes in *aid* of religion to carry on the work of reformation in the heart and life of the slave.

The improvement in the condition of the negro has a direct tendency to counteract some of the vices that formerly characterized him, both in his native country and in the early years of his sojourn among us. The white man found him a *naked* savage, prone to the unrestrained indulgence of sensual appetite. His disregard to cleanliness, and his indifference to decorum, were not at once removed. The rudest garment that could shelter him from the inclemency of the seasons at first satisfied his desires, and this, on the approach of summer, was impatiently thrown off. It is in the memory of many persons, that they considered clothes as an inconvenient incumbrance, and that they were often almost at the age of puberty, seen in a state of perfect nakedness. By degress a sense of shame was awakened. A taste in dress has been encouraged by the better clothing provided, as the feelings of the master became more kind and sympathizing. A feeling of self-respect has been inspired, and this has brought with it pride of character, modesty, chastity, and, not unfrequently, refined delicacy of sentiment. The proportion of females of irreproachable virtue is perhaps

not greater in the lower class in any form of society; while those who put away shame and give themselves up to licentious practices are as effectually put out of better society among them as among us. Many are still betrayed into youthful indiscretion, but the connubial tie is now commonly held sacred. There is an increasing disposition to consecrate it by the solemnities, and to strengthen it by the obligations of religion. The episcopal minister of the village in which I live, celebrates the rites of matrimony between as many blacks as whites; the white members of the family, with their most intimate friends, sometimes witness the ceremony, and the parties, with their numerous guests, close an evening of festive hilarity with an entertainment of which the most fastidious epicure might be glad to partake.

Can the moral effect of these things be questionable? Even admitting, that, in the essential quality of female purity, the slave may come short of the class which fills the same place in society where slavery is not known; yet it is not with that class, but with the negro, in his primitive state of wild freedom, that the comparison is to be made. The improvement in this respect is moreover progressive. At intervals of ten or a dozen years a change may be distinctly seen to have taken place, and but little farther progress is wanting to place this once degraded and brutish race on a level in this respect with the lower classes of society in the most moral country under the sun.

In another particular a change of equal importance is taking place. Affection, on the one hand, disposes to confidence, and on the other invites it, and confidence provokes to honesty. The savage is universally regardless of the rights of *meum* and *tuum*. The slave was, at first, universally a thief. At this day there abound among them examples of integrity absolutely incorruptible. A slave notoriously dishonest is held by them in abhorrence and contempt. The little liberties which children will take, under the strong temptation to indulge their appetites with delicacies, are severely punished by their own parents. False-

hood is perseveringly rebuked and chastised by them, and, in almost every family, there are servants who are unhesitatingly trusted with every thing the house contains. Nor is this confidence confined to the master. A verbal message, sent by a trusty slave, is all sufficient to obtain goods, or even money, from those with whom the master deals. This seemingly dangerous confidence is never abused. In their own transactions, too, a character for integrity is established, which ensures, in all their little dealings, a perfect reliance on their word. In the village in which I reside there may be 1,500 inhabitants. Of this number perhaps one-third are slaves. Of these I am assured, by a retailer of proverbial caution, that not less than fifty (equal to half the whole number of adult males) can command any credit with him, which their own prudence will permit them to ask. Yet for such debts he has no security, no remedy. They are beyond the reach of law, and an appeal to the master might involve him in the penalties denounced by some antiquated statutes against such as deal with slaves.

These statutes and others of a congenial character afford a strong proof of the moral improvement of the slave population. They were, doubtless, called for by the state of things existing at the time of their enactment. At this day they are so utterly superfluous that no man is so strict as to enforce them, and none so scrupulous as to govern himself by them. They form collectively a code of extreme rigour, and go far to justify the abhorrence, so often expressed by good men, of an institution producing a state of things that can render such severity necessary. But the evil has cured itself. Thus it is that the wise use of the rod of parental discipline establishes the most affectionate confidence between the prudent father and the son that once trembled at his presence. Thus it is that military discipline, once having made obedience sure, makes indulgence safe. In almost every case where we see men living in relations best for the happiness of all, where power is gentle and obedience liberal, where passion rests under due subordination to reason, where

the wisdom of the enlightened, and the virtue of the good, and the prudence of the sagacious, are wisdom, and virtue, and prudence for those who, in themselves, possess none of these qualities, and the blind walk safely and confidently by the guidance of those who can see, the heart may shudder, if, turning away from the contemplation of these desirable results we look too closely to the means by which they were brought about. The laws I speak of are but memorials of what has been; like the trial by battle in the English law, long retaining its place in the same code that denounced the duellist as a murderer. They are but the scars of stripes formerly inflicted. They forbid the slave to be taught to read. Yet all whose minds thirst after knowledge (and if there be danger, these are the dangerous) have abundant opportunity. The child is encouraged to impart the first rudiments to his nurse, and her access to books and newspapers is unrestrained. She has all the stimulus to the cultivation of her mind, and all the aid that intelligent conversation supplies; and nothing more strikingly shows the unintellectual character of the race, than the general indifference to these advantages. Each one who makes use of them may instruct the rest, and the leisure of all is much more than the labouring class enjoys in other parts of the world.

The penal code abounds too with laws denouncing capital punishment against slaves; and the trial by jury is denied them. The effect of these things was probably as harsh, at one time, as the laws themselves now seem. In Virginia the slave is not committed to a jury sworn to try whether he be guilty or no, but to a sort of discretionary power exercised by a bench of justices bound by no specific oath. The question with them often seems to be whether he shall be punished or no. This is appalling. But let humanity take heart. At this day this discretion is exercised altogether in favour of the slave. For offences not affecting life or limb he is commonly left to the jurisdiction of his master, whose punishments, falling far short of those denounced by law, fully satisfy the public. The idea of trying a

slave for larceny, after he has been flogged by his master, is as abhorrent to our notions as the putting a free man twice in jeopardy for the same offence. Moreover the dissent of one of five justices is enough to acquit. To secure the unanimity necessary to conviction, in a capital case, the guilt of the accused must not only be proved incontestibly, but there must be nothing to justify, nothing to excuse, nothing to extenuate, nothing even to awaken compassion. The court screens the accused alike from the caprice of juries, and the severity of the law. The importance of this protection can only be appreciated by those who are aware of the total want of sympathy between the negro and the white man who owns *no slave*. He is glad to escape from a jury composed of such to those whose daily intercourse with their own slaves has taught them to know and love the peculiar virtues of the African. Nor has interest any thing to do in this matter. The owner of a slave who is executed receives his price from the treasury. But such demands on it are almost unknown, for punishment is hardly ever inflicted or deserved.

The regulations I speak of are peculiar to Virginia. But the manner of their administration there is given in proof of the change wrought by time in the relation between master and slave. This change is progressive, and an accurate observer may see that, from time to time, the great body of slaves have become more attached, more content with their condition, less licentious and more honest; and that, meanwhile, their comforts have been increased, and that the master has become more kind, more indulgent, milder in his methods of government and more confiding. The voice of command is giving place to that of courteous request; the language of objurgation is exchanged for that of grave reproof, and it becomes daily more manifest, that, whatever griefs may fall to the lot of either party, both are happy in each other, and happy in a relation, with the duties of which use has made both familiar.

In much that I have said here, I am aware that I have spoken as a witness. In that character I speak reluctantly. But I am emboldened to do so by the assurance

that the candid will be ready to believe my testimony because of its conformity with reasoning founded on the nature of things. I am supported also by the conviction that the knowledge and feeling of the truth of what I have said are in the hearts and minds of many in this presence. But were there none such here, who could believe me so absurdly rash as to venture on statements, which, if false, are known to be false by all those whose good opinion is the only fame I can hope for.

I feel assured moreover, that thousands will adopt and own a sentiment, which, I doubt not, many present may hear with surprise. I am aware that the interest of the southern master in his slave is commonly considered as a thing to be estimated in dollars and cents. It seems to be a prevailing belief, that we would be glad to give up our slaves if we could receive something in exchange not very far short of their value as commonly estimated. This may be true of many. Some may be satisfied, by calculations easily made, that they might turn the price to better account, by giving it in wages to hirelings. I have little doubt that this is true, and yet I am sure that multitudes, even of those most fully convinced by such reasonings, would make the exchange with great reluctance. I speak but for a smaller number, but there are certainly *some* for whom I may speak, when I say that they would not willingly make it on any terms whatever. With such it is an affair of the heart. It presents not a question of profit and loss, but of the sundering of a tie in which the best and purest affections are deeply implicated. It imports the surrender of friendships the most devoted, the most enduring, the most valuable. I have spoken of this already, but I must be pardoned for alluding to it again. I must be allowed to offer a word on behalf of the mother around whose bed there clusters a crowd of little ones from whom death is about to tear her. Who, when she is gone, will be a mother to the prattling urchin, unconscious of the loss he is about to sustain, and whose childish sports are even now as full of glee as if death were not in the world? Who but she, who already

shares with her the maternal appellation, and performs, with a loving heart, more than half the duties of a mother? She has daughters growing up. A roof may be found to shelter them; one whom the world calls a friend may usher them into society; instruction may be purchased for them, and the soundest maxims of morals, religion and decorum may be inculcated. But who is to be with them when they lie down, and when they rise up? Who is to watch and accompany their outgoings and their incomings? Who is to be with them in the dangerous hours of privacy, restraining, regulating, purifying their conversation and their thoughts? These are the proper duties of a mother, the importance of which renders her loss so fatal. Who is to perform them? There she stands. It is the same that supports the languid head of the dying mother, and holds the cup to her parched lips. The same, whose untiring vigilance, day after day and night after night, has watched by that bed of death, with a fidelity to which friendship between equals affords no parallel, and which the wealth of the Indies could not purchase.

But, if the devotion of the slave is so absolute, it may be asked where can be the harm of severing the superfluous bond which deprives his services of the praise due to them, by giving a semblance of compulsion to what is voluntary. The question is specious enough; but the answer is partly found in what I have already said. To answer it more fully, it is necessary to advert to a gross and fatal error in morals and politics, which has indeed but few advocates, but which, to a certain extent, influences the sentiments and conduct of many whose reason distinctly rejects it.

It is an error that took its rise in the alliance between genius and licentiousness, formed in the cloisters of the monastery a few centuries ago. In that dark time, when learning and power were monopolized by the priesthood, ambition lured men into the church, and the church condemned them to celibacy. But love is of all ages and conditions of society, and none more keenly feels its power than the sensitive child of genius. Restrained by the laws of his order yet more than by

the laws of God, he could only evade the former by openly defying the latter. The plausible sophisms by which he sought to cheat the object of his licentious passion into preference of the joys of lawless love to that sacred union which upholds the order of society, and which God has declared to be honourable in his sight, were drawn from the idea that love must perish as soon as the restraints of law are applied to it. The echo of these sentiments has not yet died away. They are embodied in Pope's mellifluous lines.

"Love, free as air, at sight of human ties,
Spreads his light wings and in a moment flies.
Should at my feet the world's great master fall,
Himself, his throne, his world, I'd scorn them all.
Not Cæsar's empress would I deign to prove:
No! make me mistress to the man I love!
If there be yet another name more free
More fond than mistress, make me that to thee!
Oh, happy state! when souls each other draw,
When love is liberty, and nature law;
All then is full, possessing and possessed,
No craving void left aching in the breast;
Ev'n thought meets thought, ere from the lips it part,
And each warm wish springs mutual from the heart."

Now this is very harmonious and very eloquent. But is it true? It may be so, if that we dignify with the name of love is nothing but a purely selfish preference of one person over another. The proverbial charm of variety will certainly have its effect here, and if it is this sensual appetite or dreamy phantasy that is to be cultivated and indulged, then is there good reason in these ideas. But God has made the well being of society depend on a union that forbids the indulgence of this vagrant taste, and checks the caprices of fancy. How have men been brought to submit universally to such restraints? Is it not that the wise Creator has implanted in the heart a counterpollent principle? Is it not that the very restraint of which we are at first impatient, engenders, in every well constituted mind, a corrective of the evil? The most profound thinkers have long since decided, that the indissoluble nature of the connubial tie teaches the parties to put a curb on

the heart and imagination which restrains their wanderings; and men and women are found to pass long lives in harmony and mutual love, who, in the earlier stages of their connection, might have parted forever, if separation had been possible.* To render this union thus efficacious, it is wisely accompanied with such a community of interests, that neither party can engage in the separate and selfish pursuit of any permanent good. It is sometimes seen not fully to produce the desired result, when parties come together, each bringing children of a former marriage. These are the objects of peculiar affections and distinct interests, which often interrupt harmony, and prevent that perfect amalgamation, which the law contemplates and desires to effect. What would be the consequence, if, beside this cause of dissension, the husband and wife should have no children common to both, and each had a separate and independent faculty of acquiring property for their respective offspring, cannot easily be estimated. That the affection of the parties would be exposed to the rudest trials is quite certain. It would probably soon terminate in open rupture, not from a preference on the part of either for some new face, but from absolute disgust and well deserved hatred.

Now something like this would attend the emancipation of that female slave. She is sure of those necessaries and comforts with which education and use have made her content, she has no faculty of acquiring property, she has no means of providing for her children, but she knows that they are well provided for

* "That which alone elevates man is permanence in the moral state. The character of all great things in the world of matter is durability; and, in the moral, as in the physical world, it is that which man finds it hardest to attain. God alone changes not. But all that tends to fix the desires, to shut in the will and the affections, tends to establish paradise on earth." Such is the language of one of those enthusiasts, who yet can see nothing in the relation of master and slave, but tyranny, wretchedness and vice. The theory is certainly right, but, in the application of her principles to domestic slavery, she errs because she mistakes the facts. The writer is that extraordinary woman who chooses to be known by the name of George Sand.

already. She is thus in condition to give herself up to the duties of her station, and a care of the children that have hung at her breast with her own, and on whose welfare she feels that that of herself and her offspring depends. Emancipate her; emancipate them: strip them of the *protecting disabilities* with which the law surrounds them, and she will see at once the necessity and the duty of living for them alone. She must do so, for the mistaken philanthropy which has turned her and her offspring naked and defenceless on the cold charities of the world at large, demands that every effort, every care, every thought be devoted to the almost hopeless task of saving them from want. In rare instances, uncommon qualities and exemplary virtue on both sides, might preserve friendship between her and her master's family. But a *conflict* of interests would have taken the place of a *community* of interests; and friendship, under such circumstances, would no longer result naturally from the relation between the parties. It would be a forced state of feeling, and would be liable to perish in a moment on the failure of any one of the innumerable conditions essential to its existence.

It may be added, that, if the value of slaves of this class is to be computed by estimating only such services as money can buy, these services are purchased at too high a rate. They may be purchased from hirelings for much less than is freely given to favourite slaves, by way of indulgence and gratuity. But the possession of such a slave, who is not only the servant, but the friend of his master, the vigilant guardian of his interests, and, in some things, a sagacious and faithful adviser, is a *luxury of the heart*, which they, who can afford it, would not part with at any price.

It is for no sordid interest then that I should plead, when, if addressing one having power to abolish this relation, I should implore his forbearance. Speaking on behalf, not only of myself, but of the slave, by whom I know I should not be disavowed, I would entreat him to pause and reflect, before sundering a tie which can never be reunited, a cord spun from the best

and purest and most disinterested affections of the heart. I would conjure him, by the very considerations so often invoked against us, not to break up that beautiful system of domestic harmony, which, more than any thing else, foreshadows the blissful state in which love is to be the only law, and love the only sanction, and love the supreme bliss of all.

They to whom these ideas are new may think they savour of paradox and extravagance. I am not aware that they have ever been publicly proclaimed by any one. But I beg you to believe that I would not venture to utter them here, did I not know that they float more or less distinctly in the minds of all who can be supposed capable of appreciating and comprehending them. They may not be expressed in words, but they find a mute language in the cheerful humility, the liberal obedience, the devoted loyalty of the slave, and in the gentleness, the kindness, the courtesy of the master. These are the appropriate manifestations of those affections which it is the office of religion to cultivate in man, and I appeal to them as evidences of the ameliorating influence of this much misunderstood relation on the hearts and minds of both parties. That such results are universal, I will not pretend to say; but that the cause which has produced them will go on to produce them more extensively, I conscientiously believe. "If the thing be not of God, it will surely come to nought;" but so fully am I convinced that it has his sanction and approbation, that I expect it to cease only when, along with other influences divinely directed, it shall have accomplished its part of the great work of enlightening, evangelizing and regenerating the human race.

To the Editor of the S. L. Messenger:

I have omitted to mention a fact that may give this essay an interest in the eyes of some readers. When I found that it would not be proper to read it before

the institute, I should have desisted from the undertaking, but for the request of my lamented friend, the late secretary of state. We had frequently conversed on the subject and his views fully coincided with my own. This fact alone should have great weight with those who remember the surpassing benevolence that distinguished that wise and good man. He believed that the view that I have presented ought to influence the minds of the truly benevolent and pious; and we both hoped that it might induce many such to hesitate—to pause—to inquire before taking any further steps in a crusade against an institution so much misunderstood.

We both, moreover, thought it desirable to call the attention of our own countrymen to the value of this element in our social system, as a means of facilitating the tasks of government, and perpetuating our existing political constitutions.

This is the purpose of this second part.

B. T.

LECTURE XVII.

If your minds have not rejected, as wholly fallacious, all that I have already said, I flatter myself that what I have to offer on behalf of the *political* effect of slavery, as it exists among us, will be favourably received. I do not propose to speak of it as an element of wealth. That branch of the subject I leave to the political economists, by whom it is generally condemned. Be it so. I am content to acquiesce in their judgment. But there is something better than wealth. It is happiness, of which* wealth is but an instrument.

* When this was written I had not seen *Carlyle's Past and Present*, though I had met with an extract of which I have made use. I have since seen it, and quote the following to explain and enforce my meaning:

"The condition of England, on which many pamphlets are now in the course of publication, and many thoughts unpub-

There are some things, too, more conducive to happiness than wealth: these are order, harmony, tranquillity, and security. The influence of this institution on these—its place and its value in the mechanism of political society are what I propose now to consider.

lished are going on in every reflective head, is justly regarded as one of the most ominous, and withal one of the strangest, ever seen in this world. England is full of wealth, of multifarious produce, supply for human want in every kind; yet England is dying of inanition. With unabated bounty the land of England blooms and grows; waving with yellow harvests; thick-studded with work-shops, industrial implements, with fifteen millions of workers, understood to be the strongest, the cunningest and the willingest our earth ever had; these men are here; the work they have done, the fruit they have realised is here, abundant, exuberant on every hand of us: and behold, some baleful fiat as of enchantment has gone forth, saying, 'Touch it not, ye workers, ye master-workers, ye master-idlers; none of you can touch it, no man of you shall be the better for it; this is enchanted fruit!' On the poor workers such fiat falls first, in its rudest shape; but on the rich master-workers too it falls; neither can the rich master-idlers, nor any richest or highest man escape, but all are alike to be brought low with it, and made 'poor' enough, in the money-sense or a far fataller one.

"Of these successful skilful workers some two millions, it is now counted, sit in workhouses, poor-law prisons; or have 'out-door relief' flung over the wall to them—the workhouse bastile being filled to bursting, and the strong poor-law broken asunder by a stronger.* They sit there, these many months now; their hope of deliverance as yet small. In workhouses, pleasantly so named, because work cannot be done in them. Twelve hundred thousand workers in England alone; their cunning right-hand lamed, lying idle in their sorrowful bosom; their hopes, outlooks, share of this fair world, shut in by narrow walls. They sit there, pent up, as in a kind of horrid enchantment; glad to be imprisoned and enchanted, that they may not perish starved. The picturesque tourist, in a sunny autumn day, through this bounteous realm of England, descries the Union Workhouse on his path. 'Passing by the workhouse of St. Ives in Huntingdonshire, on a bright day last autumn,' says the picturesque tourist, 'I saw sitting on wooden benches, in front of their bastile and within their ring-wall and its railings, some half-hundred or more of these men. Tall robust figures, young mostly or of middle age; of honest countenance, many of them thoughtful and even intelligent-looking men. They sat there, near by one another; but in a kind of torpor, especially in a

*The Return of Paupers for England and Wales, at Ladyday, 1842, is, 'In-door 221,687, Out-door 1,207,402, Total 1,429,089.' (*Official Report.*)

When God first cursed the earth for the sin of man, he commanded it no more to bring forth spontaneously the grains and fruits necessary for his subsistence, but doomed him to earn and eat his bread in the sweat of

silence, which was very striking. In silence: for, alas, what word was to be said? An earth all lying round, crying, Come and till me, come and reap me;—yet we here sit enchanted! In the eyes and brows of these men hung the gloomiest expression, not of anger, but of grief and shame and manifold inarticulate distress and weariness; they returned my glance with a glance that seemed to say, 'Do not look at us. We sit enchanted here, we know not why. The sun shines and the earth calls; and, by the governing powers and impotences of this England, we are forbidden to obey. It is impossible, they tell us!' There was something that reminded me of Dante's hell in the look of all this; and I rode swiftly away.'

"So many hundred thousands sit in workhouses: and other hundred thousands have not yet got even workhouses; and in thrifty Scotland itself, in Glasgow or Edinburgh city, in their dark lanes, hidden from all but the eye of God, and of rare benevolence the minister of God, there are scenes of woe and destitution and desolation, such as, one may hope, the sun never saw before in the most barbarous regions where men dwelt. Competent witnesses, the brave and humane Dr. Alison, who speaks what he knows, whose noble healing art in his charitable hands becomes once more a truly sacred one, report these things for us: these things are not of this year, or of last year, have no reference to our present state of commercial stagnation, but only to the common state. Not in sharp fever-fits, but in chronic gangrene of this kind is Scotland suffering. A poor-law, any and every poor-law, it may be observed, is but a temporary measure; an anodyne, not a remedy: rich and poor, when once the naked facts of their condition have come into collision, cannot long subsist together on a mere poor-law. True enough:—and yet, human beings cannot be left to die! Scotland too, till something better come, must have a poor-law, if Scotland is not to be a by-word among the nations. O, what a waste is there; of noble and thrice-noble national virtues, peasant stoicisms, heroisms; valiant manful habits, soul of a nation's worth—which all the metal of Potosi cannot purchase back; to which the metal of Potosi, and all you can buy with *it*, is dross and dust!

"Why dwell on this aspect of the matter? It is too indisputable, not doubtful now to any one. Descend where you will into the lower class, in town or country, by what avenue you will, by factory inquiries, agricultural inquiries, by revenue returns, by mining-labourer committees, by opening your own eyes and looking, the same sorrowful result discloses itself: you have to admit that the working body of this rich English nation has sunk or is fast sinking into a state, to which, all sides of it considered,

his face. To understand from this that no man from thenceforth should ever eat the bread of idleness, would be, "to make God a liar." But the fulfilment of the denunciation against the race of Adam *collec-*

there was literally never any parallel. At Stockport assizes—and this too has no reference to the present state of trade, being of date prior to that—a mother and a father are arraigned and found guilty of poisoning three of their children, to defraud a 'burial society' of some 3*l.* 8*s.* due on the death of each child: they are arraigned, found guilty; and the official authorities, it is whispered, hint that perhaps the case is not solitary, that perhaps you had better not probe farther into that department of things. This is in the autumn of 1841; the crime itself is of the previous year or season. 'Brutal savages, degraded Irish,' mutters the idle reader of newspapers; hardly lingering on this incident. Yet it is an incident worth lingering on; the depravity, savagery and degraded Irishism being never so well admitted. In the British land, a human mother and father, of white skin, and professing the christian religion, had done this thing; they, with their Irishism and necessity and savagery, had been driven to do it. Such instances are like the highest mountain apex emerged into view; under which lies a whole mountain region and land, not yet emerged. A human mother and father had said to themselves, What shall we do to escape starvation? We are deep sunk here, in our dark cellar; and help is far. Yes, in the Ugolino hunger-tower stern things happen; best-loved little Gaddo fallen dead on his father's knees! The Stockport mother and father think and hint: Our poor little starveling Tom, who cries all day for victuals, who will see only evil and not good in this world: if he were out of misery at once; he well dead, and the rest of us perhaps kept alive? It is thought, and hinted; at last it is done. And now Tom being killed, and all spent and eaten, Is it poor little starveling Jack that must go, or poor little starveling Will? What an inquiry of ways and means!

"In starved sieged cities, in the uttermost doomed ruin of old Jerusalem fallen under the wrath of God, it was prophesied and said, 'The hands of the pitiful women have sodden their own children.' The stern Hebrew imagination could conceive no blacker gulf of wretchedness; that was the ultimatum of degraded god-punished man. And we here, in modern England, exuberant with supply of all kinds, besieged by nothing if it be not by invisible enchantments, are we reaching that?—How come these things? Wherefore are they, wherefore should they be?

"Nor are they of the St. Ives workhouses, of the Glasgow lanes, and Stockport cellars, the only unblessed among us. This successful industry of England, with its plethoric wealth, has as yet made nobody rich; it is an enchanted wealth, and belongs yet to nobody. We might ask, Which of us has it enriched? We can spend thousands where we once spent hundreds; but can

tively is found in this; that, though some are permitted to pass their lives in uneasy and unprofitable sloth, the great mass of mankind must spend their days in toil, or starve.

"Wisdom cometh by the opportunity of leisure,"

purchase nothing good with them. In poor and rich, instead of noble thrift and plenty, there is idle luxury alternating with mean scarcity and inability. We have sumptuous garnitures for our life, but have forgotten to *live* in the middle of them. It is an enchanted wealth; no man of us can yet touch it. The class of men who feel that they are truly better off by means of it, let them give us their name!

"Many men eat finer cookery, drink dearer liquors—with what advantage they can report, and their doctors can: but in the heart of them, if we go out of the dyspeptic stomach, what increase of blessedness is there? Are they better, beautifuller, stronger, braver? Are they even what they call 'happier?' Do they look with satisfaction on more things and human faces in this God's-earth; do more things and human faces look with satisfaction on them? Not so. Human faces gloom discordantly, disloyally on one another. Things, if it be not mere cotton and iron things, are growing disobedient to man. The master worker is enchanted, for the present, like his workhouse workman; clamours, in vain hitherto, for a very simple sort of 'liberty:' the liberty 'to buy where he finds it cheapest, to sell where he finds it dearest.' With guineas jingling in every pocket, he was no whit richer; but now, the very guineas threatening to vanish, he feels that he is poor indeed. Poor master worker! And the master unworker, is he not in a still fataller situation? Pausing amid his game-preserves, with awful eye—as he well may! Coercing fifty-pound tenants; coercing, bribing, cajoling; doing what he likes with his own. His mouth full of loud futilities, and arguments to prove the excellence of his corn-law; and in his heart the blackest misgiving, a desperate half-consciousness that his excellent corn-law is *in*defensible, that his loud arguments for it are of a kind to strike men too literally *dumb*.

"To whom, then, is this wealth of England wealth? Who is it that it blesses; makes happier, wiser, beautifuller, in any way better? Who has got hold of it, to make it fetch and carry for him, like a true servant, not like a false mock-servant; to do him any real service whatsoever? As yet no one. We have more riches than any nation ever had before; we have less good of them than any nation ever had before. Our successful industry is hitherto unsuccessful; a strange success, if we stop here! In the midst of plethoric plenty, the people perish; with gold walls and full barns, no man feels himself safe or satisfied. Workers, master workers, unworkers, all men come to a pause; stand fixed, and cannot farther. Fatal paralysis spreading inwards, from the extremities, in St. Ives workhouses, in Stockport cellars, through

and to him "whose life is between the handles of the plough," this opportunity is denied. Hence the curse that dooms the mass of mankind to toil, dooms them also to ignorance. When the former penalty is recalled the latter may be remitted. Not till then.

You will not think me so absurd as to mean that there is no intellectual excellence, no wisdom, except among those who enjoy the advantages of regular education. We know this not to be true; and our own community abounds with examples to the contrary. But that native energy of mind, which, in its upward spring, throws off the depressing weight of poverty, is a rare endowment. He who possesses it presently separates himself from the class in which he had been placed, by a blunder of fortune; and one of the first uses that he makes of his superior powers is to secure to himself the advantages of education, which others, misunderstanding the secret of his success, foolishly undervalue. He, whose mind God has enlightened with that wisdom, which is the heritage of such favoured beings, chooses wisdom as his portion. The fool alone chooses folly, and remains content in ignorance. The proposition still remains true, that he whose lot is a lot of abject toil, whether he were born to it, or has sunk down to it, by his own proper weight, is necessarily destitute of that enlightened wisdom, which might qualify him to take his place in councils whose deliberations concern the happiness of millions.

The fact that instances of men rising to distinction from a low condition are more frequent in the United States than elsewhere, is but a confirmation of what I have said. The wages of labour here are such as to afford the labourer much leisure for mental cultivation,

all limbs, as if towards the heart itself. Have we actually got enchanted, then; accursed by some god?—

"Midas longed for gold, and insulted the Olympians. He got gold, so that whatsoever he touched became gold—and he, with his long ears, was little the better for it. Midas had misjudged the celestial music-tones; Midas had insulted Apollo and the gods: the gods gave him his wish, and a pair of long ears, which also were a good appendage to it. What a truth in these old Fables!"

if he prefers that to idleness or dissipation. None of the walks of life are fully occupied, and for every youth, however humble, who makes any display of intellectual power, there is always a place to be found, in which he can cultivate his mind, and earn his bread at the same time. Such have been the facilities by which all such, among ourselves, have attained the vantage ground from which they afterwards mounted to eminence.

When men act together in large bodies, he who would lead must sometimes be content to follow. That he may make his wisdom the wisdom of other men, he must adopt something of their folly, just as he who would stop a falling weight, must yield to the shock. To a certain extent this is perhaps desirable. Wise men, taking counsel only of each other, might forget to make allowance for others not so wise as themselves. The presence of a few fools may be necessary to remind them, that they are acting for fools, as well as for wise men. Thus it is, that in a multitude of counsellors there is wisdom; and if fools could learn as readily from wise men, as wise men learn from fools, the multitude could not be too indiscriminate.

But, unfortunately, it is not so; and no man who has had occasion to witness what is done, in numerous deliberative bodies, can fail to have observed that much good is marred, and much mischief is done, from the necessity of conceding too much to the prejudices of the ignorant. Whatever good, wise and practical men may be able to extract from their commerce with fools, it is only under the management of the wise that good can be made of it. But take the mass of mankind, in any country upon earth, and refer, *directly* and *without debate*, to the vote of a majority of these, all questions of municipal regulation and foreign policy, assigning, in every instance, as much weight to the suffrage of one as to that of another, and no man can calculate the disastrous consequences that might ensue.

Something like this is done in every country, which refers the choice of its lawgivers and magistrates to universal suffrage. The effect is always mischievous.

Under peculiar, and very advantageous circumstances, it is not necessarily fatal, and hence it is that we are enabled to deceive ourselves, while observing the operation of universal suffrage, in those states of the Union where it prevails. In a country where much land is unappropriated, and where a much larger proportion remains as so much dead capital in the hands of the owner, for want of purchasers to buy or labourers to cultivate it, the tasks of government are few and simple and of easy execution. Its business is altogether with *individuals*—to regulate their conduct, to punish their crimes, and to adjust their controversies. It performs no function not within the competency of conservators of the peace, constables, and the ordinary courts of justice. It is little more than a loose and careless police, and a system of regulated arbitration. With men in MASSES it has nothing to do. The only distinctions in society are produced by the tastes and caprices of individuals. As these may prompt they will arrange themselves into *cliques* and *coteries*, but, *politically speaking*, there is but *one class* and *one interest*. The right of personal liberty is alike precious to all men, and, where all have property, the right of property will be held sacred by all, and the legislation which is best for some will be best for all. There will be therefore no misgovernment, but such as is produced by well-intentioned blunders. Even against these there is an important security in that state of society. There is no *just* ground of jealousy between the rich and poor, the enlightened and ignorant. Demagogues indeed, striving to imitate what is done elsewhere, and to rise to power by means for which society is not prepared, may seek to inspire this jealousy, but they will find it difficult to do so, until misgovernment affords occasions to deceive and corrupt the people. Until then, the natural instinct of man disposes to mutual confidence, and the blind submit to be led by those who can see, and have no inducement to lead them astray.

It is not until the progress of society has distributed mankind into *different classes*, having distinct and conflicting interests, that the *political action* of government

commences, and the wisdom of its *political* structure is put to any test.* To adjust these interests, and to accommodate the strifes which arise from them, is the great problem for the statesman. All experience has shown that the more powerful class will sacrifice the interests of the weaker, whenever its own can be advanced by doing so. It makes no difference what is the source or character of the power thus wielded. Such is the use that always has been, and always will be made of it.†

The temptations to this abuse of power are not always equally strong. They may be counteracted by conscientious scruples, in some cases, in some by the fear of consequences; and in others, power may be baffled by the superior intelligence and address of the weaker party, or defeated by the treachery of its own agents. All these diversities may be illustrated by the conflict of interests between the rich and poor in any community.

1. Temptation. If we suppose the moral qualities of prudence and justice to be distributed alike throughout the whole, we certainly make a supposition at least as favourable to the poorer class as the history of human nature will justify. Now, under a constitution which should lodge the powers of government in the hands of the smaller class of wealthy men, there is certainly

* "Clearly a difficult point for government," says Carlyle, "that of dealing with these masses, if indeed it be not the *sole* point and problem of government, and all others mere accidental crotchets, superficialties, and beating of the wind."—French Revolution, vol. 1, p. 44. Again he says, "some happy continents, as the western one, with its savannahs, where whosoever has four willing limbs finds food under his feet, and an infinite sky over his head, *can do without governing*.—Id. p. 268.

† It is not meant that political power will be always thus abused. It may be held in check and in awe by physical power. The aristocracy of France, blindly disregarding the danger of oppressing the subject mass, defied the naked rabble of *sans culottism*. The aristocracy of Great Britain, made wise by their experience, treats chartism in quite another guise, and recognises the unrepresented classes as the proper objects of the paternal care of government. Benevolence has doubtless much to do with this; but the rod is a marvellous improver of all the virtues.

some temptation to abuse their power over the poor. But this is not a temptation that addresses itself strongly to the *interests* of the ruling party. There is, unhappily in too many, a pleasure in the indulgence of an arrogant and insolent disposition to trample on the helpless; but, from the nature of the thing, the *plunder of the poor* is an unproductive fund; and the little that can be gained by it would be of small value in the estimation of those already rolling in affluence. Reverse the case, and we shall see a very different result. The temptation to a hungry multitude, armed with political authority, to gorge themselves with the superfluities of the rich would be such as human nature cannot be expected to resist.

2. Conscience. The injustice of a course of legislation intended to enrich one class at the expense of another, should, in either case, deter the party in power from such a course. But how much more striking is that injustice, when the portion of the community to be plundered is already in a state of penury, and the portion to be enriched is already rich, than when the reverse of all this is the case? In the first case, no sophistry can be devised to palliate such an abuse of power. In the latter, a thousand texts may be drawn from the Bible itself, capable of being so perverted as to afford a plausible justification of it. So true is this, that in every country, where public opinion exercises a distinct influence on legislation, though the multitude be not directly represented, charity (which from its nature should be gratuitous) is compulsory, established as a system, and enacted by law.

3. Danger of consequences. The *abuse* of constitutional power and prerogative in the hands of a privileged few is always *dangerous* to *themselves*. As a general proposition it may be said, that the *physical* power is always on the side of numbers, and the power of the few depends for its security on *opinion*. This opinion must not be outraged by oppression, or any thing that looks like oppression. So far from it, the ruling party must be careful that the sufferings of the poorer classes, however caused, be not imputed to

government. A sop must be thrown, from time to time, to the many mouthed and hungry Cerberus', lest he devour his rulers. So far from taking from the poor for the benefit of the rich, the rich have to tax themselves for the benefit of the poor, and the manner in which the benefit is received, shows plainly enough what might be the consequence of withholding it. The power would be presently wrested from the hands of the ruling class, and the use which would then be made of it may be read in the history of revolutionary France.

There is *no such check* on the abuse of constitutional authority by the more numerous class. They fear nothing from the physical power of the multitude, for they are themselves the multitude, and so long as the rulers of their choice administer the government with an eye to their special benefit, so long all is safe. They have nothing to do but to profess to make the greatest good of the greatest number the sole object of all their legislation, and to proclaim an irreconcilable war of the poor against the rich.

4. WANT OF INTELLIGENCE AND TREACHERY OF LEADERS. In such a state of things what is to save the rich from being destroyed and swallowed up? Nothing but the last of those checks to the abuse of power which I have just enumerated. Though not withheld by a sense of justice, or a fear of consequences, power in the ignorant multitude may be baffled by the superior intelligence and address of the less numerous party, or defeated by the treachery of its own agents. These agents are rarely content to remain poor after they get into power. Whatever may be wrung from the common adversary, an equal distribution among their followers is no part of their plan of operations. The allotment of plunder is confined to the leaders of the party, and to the shrewd and crafty whom it is not easy to deceive, and who will be most expert in deceiving the rest. All these soon become rich, and though they may still profess the same zeal for the poor as formerly, and, for a time, retain their place as leaders, they will take care to conduct their future operations with an

especial regard to their own newly acquired interests. Hence the short-lived reign of democracy, which never survives a single generation, and always terminates in the sole power of some demagogue.

When a community, in the gradual and sure progress of society, has divided itself into classes, of which one, (and that the lowest,) is more numerous than all the rest, then it is that the wisdom of its institutions and the strength of its government are tested. If no indulgence is extended to this most numerous class, if its few rights are invaded, its murmurs despised, and its sufferings insulted, we read the consequences in the history of revolutionary France.

If their rights are duly regarded, their complaints heard, their wants provided for, as far as this can be done by legislative authority, and a portion of political power is conceded to them, to appease their discontents, we may see something of the effects of this humane and wise policy in what is now passing in England. It is certainly the best that can be done. The part taken by Sir Robert Peel in these measures, considering the relation in which he stands to the labouring class, entitles him to their gratitude, and the applause of the world. But what is to be the result of such measures cannot be foreseen. Happy for him if the hungry monster does not tear the hand extended to its relief.

If, instead of adopting palliatives and half measures, a bolder and franker course be taken, if all prerogatives are abolished, and all privileges renounced, and popular discontent be indulged by the establishment of perfect political equality, it is easy to foresee the consequences. Between the absolute surrender of all power into the hands of the most numerous class, and the exercise of power by the whole collectively, on a plan which shall assign to that class, which outnumbers all the rest, a weight and authority proportioned to its numbers, there can be little practical difference. In either case it is plain to see that the distinctive interest of that most numerous class (an interest peculiar to itself, and hostile to every other,) would be alone con-

sulted. The property of the rich becoming the prey of the poor, property would lose half its value from a sense of insecurity; the motives to industry would be lost, and all those innumerable evils would ensue, for which men never find a remedy but under the dominion of a despot.

I beg pardon for dwelling on truths so trite and obvious. Yet while I feel bound to apologise for this, I fear I shall hardly be pardoned for deducing the conclusion which follows inevitably. It may not be safe to do more than to suggest a doubt whether a government, founded on the basis of equal political rights and functions, in every member of the community, from the highest to the lowest, can preserve itself from destruction, when applied to a people in that most advanced state of society in which all property is accumulated in the hands of the few, and the starving multitude must beg, and sometimes beg in vain, for leave to toil. To that condition all society tends with a rapidity fearfully hastened by modern discoveries in art and science, and to that state free governments, above all others, tend most rapidly.

The great aim of the political economist, is to urge the advance to that state of things. He speaks to willing pupils, and public spirit and individual cupidity are everywhere pressing on towards it, with an instinctive eagerness which would seem to show that it is, in itself, desirable. The *desideratum* is, to preserve, in that condition, the same free institutions, which, under circumstances less brilliant, it is found easy to establish and administer. The problem indeed is, to devise the means, by which any government can be maintained in the defence of the *rights of all men, in all conditions*, without establishing an inequality of political franchises corresponding to the inequalities of property, and fortifying that inequality by the sword. In France, at this moment, the necessity for this seems to be felt, acknowledged, and acted on. In Great Britain it is felt, it is acknowledged by some, and denied by others —whether it can be successfully acted upon is doubtful—what will be the consequence if it is, is not for

man to foresee. There the experiment is going on, which is to decide this question.

The progress of that experiment is not so hopeful as to reconcile other nations to thought of advancing to the same point, and staking their happiness on the result. On the contrary it is the part of wisdom, in a society *having within itself any element*, by the operation of which the *conditions of the problem* may possibly be *varied* or *modified*, to *study diligently* the *properties* of that *element*, and *direct* its *tendencies*, as far as practicable to *that important object*.

Such an element, as it seems to me, is the slave population of the southern states. It is an old observation that the spirit of freedom is nowhere so high and indomitable as among freemen who are the masters of slaves. The existence of slavery in a community will always keep alive a jealous passion for liberty in the lowest class of those who are not slaves. But it is not in this point of view that I propose to present the subject. It is true that the *spirit* of freedom is thus kept alive, but it is not thus that the *suicidal tendency* of freedom is restrained.

The diligent researches of the British parliament have furnished the world with a body of evidence, which clearly depicts the condition to which the poorer classes of the most prosperous community are necessarily reduced, in that advanced state of prosperity of which I have just spoken. In this picture we see a state of things full of the causes of revolution, total, bloody and destructive. It presents to the government the critical alternative of extending the franchises of the suffering class, in order to appease their discontents, or strengthening the arm of power, in order to repress them. If the latter measure be adopted, the expenses of government and the burthens of the people must be increased; the power, which is given for the purpose of repressing one class, may be dangerous to the liberties of all; and a new energy and increased severity must be imparted to the laws, imposing on all a degree of restraint otherwise unnecessary. To live under a government of laws, faithfully administered, is indeed to

be free, but there is little comfort in freedom, where the law takes cognisance of all we do, and requires us to act by a fixed rule, whether we go out or come in, whether we lie down or rise up. A man feels little like a freeman, when abruptly accosted in the street by a watchman, and rudely questioned, and taken to the watch-house if his account of himself happens not to be satisfactory to the guardian of the night.

Now let it be supposed that the whole of that class of labourers in England, whose condition is worse than that of slaves in our southern states were actually NEGRO *slaves*, the property of their employers. The necessity of controlling them, and the danger of insurrection would remain; but the means of averting that danger would be altogether different. Let us examine this matter somewhat in detail.

1. The whole system of police contrived to regulate and watch the movements of the labouring class would be superfluous. The authority and discipline of the master would supply its place. That system, in its undiscriminating operation, must often annoy many of those, who are not intended to be affected by it; and the freedom of numbers is unnecessarily restrained, whom the law would leave free if it knew how to distinguish them. But where there are negro slaves, no such mistakes are made. The white man's colour is his certificate of freedom, and every master knows his own slaves.

2. The military force, which is kept up in times of profound peace, would be useless, and might be disbanded. At present, it seems indispensable to check the spirit of insurrection excited in the poorer class by their distresses. The effect of this in increasing the power, the patronage, and the influence of the crown, and the burthens of the people is incalculable. Some resort to force might also be necessary in the case I have supposed. But the force, in that case, would be that of private men employed by private men. The expense would fall exclusively on those who ought to bear it. It would be unattended with displays of the insolence of office, and the splendour of rank, to the

annoyance of the whole community. Half a dozen armed free labourers would keep the operatives of a large establishment in order, and the assemblage of multitudes from different establishments would be prevented altogether.

3. Whenever an insurrectionary spirit is awakened in the degrading class of free labourers, of which I am now speaking, it is sure of sympathy from the class next above it, a class less numerous perhaps, but far more formidable. Hence the restraints, and discipline, and terrors of the law, are extended to these also. But where would be that nerve of sympathy, if that lowest class were composed of NEGRO *slaves?* And what need would there be of imposing any restraints on what would then be the lowest and poorest class of freemen, which we know to have less sympathy with the negro than any other?

4. There would be less to provoke to insurrection than there now is, for interest would compel the master to provide for the mere animal wants of his slave. At present, if a labourer is starved off, his employer knows where to find another. The consequence would indeed be a diminution of profits, or rather the fruits of capital and labour combined would be more equally divided between the capitalist and the labourer. But this is precisely what the British parliament has been trying to effect by legislation, for the last thirty years. They would have the labourer work less and better paid. Now, if his employer has an interest in his life, he will not work him to death, and will give him necessary food, which is more than the hireling often gets for his wages. I do not mean to deny that the authority of law might be sometimes necessary to enforce this and other duties of humanity. The law now interferes for the same purpose between the free labourer and his employer. But its vigilance is often baffled, because the labourer must be employed, and will join with the employer to elude the law. If a child under nine years of age is not to work more than eight or ten hours a day, who shall say that he is not ten years old when he and his parents all say so? But let the slave

be made sure of the protection of the law, in complaining of his master (and occasional visits from proper officers would afford him this security,) and he will be sure to claim all the exemptions and advantages that the law allows him. If he is still wronged and maltreated, he may hate his master, but he will love the law that sought to protect him. The grievances of each particular stock of slaves would be their own, and an occasional murder, not a general insurrection would be the consequence. Without the blindest negligence, any thing like concert would be impossible.

5. It should be remembered, that the distresses of the labourers are greatest, and the danger of insurrection is most to be feared, when short crops, or low prices for manufactures raise the price of food, or reduce the wages of labour. But were the labourers slaves, no part of this distress would be felt by them, and no such insurrectionary spirit would be awakened. All the loss, in such cases, would fall, as it ought to fall, not on the labourer but on his employer. Not only would this be right, but it is the very result which the law would accomplish if it could.

Thus far, gentlemen, I think you will see that the exchange of the present free labour of Great Britain for that of an equal number of negro slaves, would save the community from heavy burthens and oppressive laws, and the government from the danger which at every moment threatens it. But would it not also make it safe to extend the political privileges of the people, and to grant a share in the government to some who are now, most wisely, disfranchised? The temptation of the lower classes to abuse political power would be much diminished, and the presence of a class lower than all, and more numerous than all, of a different race, and requiring equally the concert and co-operation of all for its safe control and management, would be a prominent point on which all other classes would act together in a common spirit and in perfect harmony. I do not mean to say that even that would render universal suffrage expedient or just; but the mischiefs of

universal suffrage would be different in character and less in degree.

They would be different in character, for all would dread the consequences which might attend insurrection, or follow any insurrectionary movement. Any evil not intolerable would be endured, in preference to the danger of letting loose an enemy so formidable, as, in *such a state of things*, the slave population might become. The preservation of order and harmony among the free classes would be an object of paramount interest with all, for it would be necessary to the safety of all.

The danger of universal suffrage would be less in degree. The classes absolutely destitute of property in England, at this moment, very far outnumber all the rest. To let in universal suffrage, therefore, would be a signal for confiscation, and a general partition of property, such as took place in France fifty years ago. But take away the whole of that lowest class, in comparison with whose abject condition that of our slaves is a state of freedom and happiness, and, though perhaps the holders of property might still be outnumbered, it is probable that a little address and management might be sufficient to preserve the balance of authority.

But there is a danger of an opposite character. Even if we suppose the newly infranchised multitude to continue to respect the rights of property, they can never be insensible to its value. If the labourers in the employment of a great manufacturer did not succeed in stripping him of his property by agrarian legislation, they would remain the same dependent beings that they now are, and he whose right of suffrage is now limited to his own vote, would then carry to the polls his thousand retainers, and give law to the county or corporation to which he belonged.

This last, gentlemen, is precisely the danger to be apprehended from universal suffrage in communities like our own. The desperate measures of agrarian misrule and confiscation, and plunder by the authority of law are not to be apprehended where the wages of labour are so high, the means of subsistence so cheap,

and the facility of acquiring landed property so great as among us. The poorest man in society feels an interest in those laws which protect the rights of property, for, though he has none as yet, he has the purpose and the hope to be rich before he dies, and to leave property to his children. But this purpose and this hope do but render him more sensible to the temptations of interest. They whet his appetite for gain, and the desire of acquisition, instead of being an occasional want of his nature, which may be appeased and forgotten, becomes a permanent and inveterate craving. The man who labours from day to day for food and raiment, with no hope of bettering his condition, when he has earned his meal, eats it, and is satisfied.

> "He, with a body filled and vacant mind,
> Gets him to rest, crammed with distressful bread:
> Never sees horrid Night, that child of Hell;
> But like a lacquey, from the rise to the set,
> Sweats in the eye of Phœbus, and all night
> Sleeps in Elysium. Next day after dawn,
> Doth rise and help Hyperion to his horse,
> And follows thus the ever-running year
> With profitable labour to his grave."

This is the character and condition of the labourer, who can never expect to be any thing else, as sketched by the Great Master of nature. All who are familiar with the character of the southern slave, will see how just is this description as applied to him; and the resemblance may be taken as a proof, if any be wanting, that the *substance* of slavery is all—the form nothing. The man who works and *must work*, from morn till night for *food* and *raiment*, without *hope* of *change*, is a slave. It matters not how he became so: by what authority his servitude is imposed: by what necessity it is maintained.

The character of the man, however humble, whose labours are stimulated and directed by the hope of future affluence, is widely different. Hence, in a community where such is the condition of the lowest class, you find neither the proverbial generosity of the beggar, nor the careless apathy so well described by Shakspeare.

Every man is alert and keen in the pursuit of gain, and the love of money, instead of being regarded as a sordid and degrading passion, is numbered among the virtues. *There are those who teach it to their children as a duty, and they learn to look on extortion and fraud, and corruption and bribes, but as means which may be sanctified by the good end to be accomplished.* It is proverbial that avarice is an appetite which grows by feeding, and the sure returns of prosperity, that reward all sorts of exertion in a free and growing country, explain the fact, that in such a country the love of money becomes a master passion, governing society through all its classes.

In such a community it is indispensable to check, in some way, the dangerous influence of wealth. This is acknowledged by all; but they differ widely about the means. Universal suffrage is the remedy which, almost everywhere, throughout the United States, has been rashly adopted. Its advocates affect to consider the land as being the thing represented, wherever the right of suffrage is restricted to freeholders; and dabblers in political arithmetic pretend to have found out, that if the owner of twenty-five acres ought to have one vote, consistency demands that a hundred votes should be assigned to him who owns twenty-five hundred acres. This miserable sophism,—this mockery of a *reductio ad absurdum*, suffices to cheat many who utter, and more who hear it. If indeed the object of the advocates of such restriction were to increase the influence of wealth, there would be reason in the suggestion. But the way to accomplish that object, is by the use of a much less invidious device. *Make suffrage universal*, and let the owner of a large estate divide it among a hundred leaseholders, and it will be effectually attained under the cheating pretence of allowing an equal voice to every man. In that way, the landlord, in a community without slaves, would give the votes not only of his tenants, but of his menials and labourers. As it is, it is perfectly notorious, that the wealthiest landed proprietor, in a slaveholding community, does not derive from his landed estate the means of influencing the vote of a

single freeholder. Some influence over men of that description is indeed occasionally exercised by men of wealth; but it is the influence of the creditor over his debtor, the influence of the merchant over his indiscreet customer, the influence of the usurer over his wretched victim. Examples of this sort I have seen, and if they prove any thing, they prove, that, as a safeguard against this influence, some farther qualification, besides the possession of a small freehold should be required. But the statesman should be satisfied with a qualification, which, *in general*, secures the independence of the voter, although, in very rare instances, it may be found inadequate. But while we see examples of this sort, it becomes us to consider what would be the effect, if no qualification were required.

The argument is susceptible of being so presented as to wear something of the aspect of mathematical demonstration. The evil to be avoided is the undue influence of wealth in elections. Wealth is comparative, and the influence it exerts will depend on the difference between the wealth of him who wields this influence, and that of him who is to be governed by it. The greater the difference the greater will be the means of this mischievous influence; and, over him whose circumstances place him in a state of dependence on another, it is absolute. There is perhaps no community in which the number of persons so circumstanced does not exceed the number of men of small but independent property. Hence, if suffrage be universal, and the wealthy combine themselves, *as a class*, to accomplish any favourable objects, they can have no difficulty in commanding the votes necessary for their purpose. But restrict the right of suffrage to men of independent, though moderate landed estate, and whenever the wealthy propose to themselves any thing favourable to their own peculiar interests they will find themselves in a minority.

Thus it appears that the freehold qualification of the voter, instead of being one of the franchises of wealth, is in fact the most effectual check upon its undue and dangerous influence. It is thus disarmed of its most

formidable weapon. The rich man will still possess an influence over his dependents, but he cannot use it for political purposes. He goes alone to the polls, and gives his single vote, which is overwhelmed by those of the small freeholders who border on his extensive property, while, perhaps, he has ten times that number of humble and devoted dependents, whose suffrages he could command, if they had suffrages to give.

In short, gentlemen, he who would place the right of suffrage on such a basis as to afford security against the undue influence of wealth, will attain his object if he can ascertain the precise qualification which will secure a majority of voters rich enough to be above corrupt influence, and poor enough to give more of their sympathies to the poor than to the rich.

It is the remark of a most profound thinker that no people ever set about reducing the qualification of the voter without going on to universal suffrage. The tendency seems irresistible. In every controversy in which the poorest class of voters happens to be outnumbered, the thought occurs to them that they would be more successful in future if they could introduce to the polls a few recruits from the class next below them. The rich man, on his part, may believe, that, among the lower class, he might find a larger proportion susceptible of corrupt and sordid influence than is to be found among the qualified voters. With opposite views, therefore, men of both classes combine to reduce the qualification. The demagogue perceives the working of these considerations on the minds of others, and anticipates that they will prevail in the end. He seeks therefore to make the votes of the class about to be enfranchised his own, and, with that view, puts himself forward as the advocates of their claims. The change becomes daily more probable—it becomes almost certain, and then many who deprecate and dread it are eager to disarm the evil of part of its mischief by affecting to desire it. Thus it is finally introduced, with a semblance of unanimity, and each extension of the franchise thus renders farther extensions more and more certain. The more formidable the class desiring to be

admitted to the polls—the greater the danger that they will abuse their franchise, the more certain is the success of their claims.

No man conversant with the change, which the alteration in the constitution of Virginia has made in the composition of her legislature, can think with satisfaction of the effect of such an extension of the right of suffrage as would embrace the whole of her present free population. But great as that evil would be, it would be nothing to the mischief of a constituent body embracing not only these, but the whole of the abject class that must come in to take the place of the slaves if they were withdrawn. From that worst evil, from that fatal and irreparable abuse of the theory of democracy we are saved by the existence of domestic slavery among us; and I must indeed be convinced that it is a sin, deeper and deadlier than those who most revile us, consider it, before I should consent to relinquish the security it affords against a state of things, which must end in anarchy or despotism.

The morality of the institution I shall leave to the vindication I have already offered. My present purpose is to consider how it may aid us in working the difficult and complicated problem of self-government. In this the puzzle is to contrive such restraints on the sovereign will of a free people as may be necessary to the preservation of their free institutions, without annihilating the freedom they are meant to secure. The Spartans preserved their political liberty by condemning themselves to discipline as stern as that of the most rigorous personal slavery. This absurdity we should endeavour to avoid, but when we have done all we can, there is a seeming paradox in the idea of self-imposed restraints on the right of self-government. But the necessity of the thing is not the less certain. There is and must be an element in every society, which can only be restrained to its proper place, and withheld from mischief by coercion. If there is strength enough in the frame of government to make this coercion effectual, that strength may be dangerous to the freedom of all. But if society is so organized that the element

in question can be restrained and directed by other energies than those of government, we escape the difficulty.

"Society," says Burke, the most profound of political philosophers, "cannot exist unless a controlling power upon will and appetite be placed somewhere." If it be in the frame of *government*, its operation may be annoying to some on whom it is not necessary to impose restraint. If it be in the frame of *society* itself, it may be dispensed with in that of government; and they whose virtue and intelligence qualify them to live exempt from such control, may live in perfect freedom. None but a very presumptuous and unscrupulous man would go so far as to *introduce* domestic slavery with this view, on the strength of any reasoning *a priori*. But I account him rash, who, finding it established in the community into which he was born, should carry his regard to the abstract idea of equal right so far as to throw away, *at this day*, when the props and pillars of government in all civilized nations are shaken, a security which such reasoning, backed by experience, shows to be so favourable to the harmonious combination of *order* and *freedom*.

To show the value of this element in our society, let me lay before you a passage from De Tocqueville's work on Democracy in America, in which he describes the political and social condition of the community as seen by him in the northern states.

"At the present day," says he, "the more affluent classes of society are so entirely removed from the direction of affairs in the United States, that wealth, far from conferring a right to the exercise of power, is rather an obstacle than a means of attaining to it. The wealthy members of the community abandon the lists, through unwillingness to contend, and frequently to contend in vain, against the lowest class of their fellow citizens. They concentrate all their enjoyments in the privacy of their homes, where they occupy a rank that cannot be assumed in public; and they constitute a private society in the state, which has its own tastes and its own pleasures. They submit to this state of

affairs as an irremediable evil, but they are careful not to show that they are galled by its continuance: it is not even uncommon to hear them laud the delights of a republican government, and the advantages of democratic institutions, when they are in public. Next to hating their enemies, men are most inclined to flatter them.

"Mark, for instance, that opulent citizen, *who is as anxious as a Jew of the middle ages*, to conceal his wealth. His dress is plain, his demeanor unassuming, but the interior of his dwelling glitters with luxury, and none but a few chosen guests, whom he haughtily styles his equals, are permitted to penetrate into this sanctuary. No European noble is more exclusive in his pleasures, or more jealous of all the advantages which his privileged station confers upon him. But the very same individual crosses the city to reach a dark counting-house in the centre of trade where every one may accost him who pleases. If he meets his cobbler on the way, they stop and converse; the two citizens discuss the affairs of the state, in which they have an equal interest, and they shake hands before they part.

"But beneath this artificial enthusiasm and these obsequious attentions to the preponderating power, it is easy to see that the wealthy members of the community entertain a hearty distaste to the institutions of their country. The populace is at once the object of their scorn and of their fears. If the mal-administration of the democracy ever brings about a revolutionary crisis, and if monarchial institutions ever become practicable in the United States, the truth of what I advance will become obvious."

This passage is full of fearful meaning to those whom it concerns. Whether it is true in its application to the northern states, where the observations of the writer were made, it is certainly not true that any such state of things exists among us in the south. Had M. De Tocqueville come among us, he would have seen the difference, and what he here predicates of the whole Union would have been applied only to one section.

It amounts to this—that, while the poorer classes are

secure in the enjoyment of all their rights, except so far as they may be endangered by their own caprices, the wealthier have not the same immunity. The right to fill that place in society to which the merit of the individual entitles him, and the right to discharge those public functions for which he is better qualified than other men, are indeed but imperfect rights. But they are still rights; and the latter is one which no people denies without injustice to the party, and detriment to itself. These rights, according to De Tocqueville, are not recognised in the land of free labour and universal suffrage. The passion for display, contemptible as it is, is one of those the gratification of which men propose to themselves, in the pursuit of wealth; but this, it seems, they hardly feel it safe to indulge to the utmost. To those who have had occasion to observe the force of that passion, it belongs to calculate the energy of any cause that has power to repress it. De Tocqueville likens the case to that of the Jews of the middle ages. These consented to possess their wealth in this state of imperfect enjoyment, and when we think of the tyrannical princes and rapacious nobles, who regarded them as their prey, we perceive a force sufficient to secure their tameness in this abject condition. The power which enforces the like submission to the like degradation in the northern states, may be less palpable, but, perhaps, not less formidable. Men, who thus submit, display a consciousness that they hold, by sufferance, the right which they are permitted to enjoy, and it is to preserve these that the rest are surrendered.

The gifts of Providence are most unjustly distributed if the acquisition of riches does not afford, at least, *prima facia* evidence of merit of some sort. We disparage too the advantages of free government, if we deny that, when all the avenues to prosperity are open to all, the industrious, enterprising, vigilant and enlightened are most apt to win the prize. Is there not then something radically wrong, when those who have given such indications of the qualities by which the public may be best served, are forthwith stigmatized and put under political disabilities, as a class? Is not

this unjust to them and detrimental to the state? May we not be permitted to doubt whether the affairs of any people can be wisely administered, who thus, by a sweeping disqualification, discard from their service, not the ignorant, the abject, and the depraved, but the wise, the prudent, and the sagacious? This may be right, if the affairs of a nation will be most wisely administered by the ignorant; if the reign of virtue will be best secured by the authority of the vicious; and if the elements of happiness will be most carefully and successfully cultivated by those who are strangers to that essential happiness whose seat is in the mind. But is there not something radically false in that which overturns the empire of reason, inverts the order of natural society, dethrones the mind of the community from its just supremacy, and assigns the tasks of thought to the unthinking, and the authority of law to those who should be the subjects of its corrective discipline?

Again; can we cheat ourselves into the belief that there is perfect liberty, and with it the security that gives to liberty its charm and chief value, where they who succeed, by honest means, in winning the rewards of meritorious enterprise, are made to feel that they hold them by an uncertain tenure, and must be content to forego half their enjoyments, or sacrifice some of their rights, and incur the risk of losing all? If it be true, as De Tocqueville supposes, "that the wealthier members of these communities entertain a hearty distaste to the democratic institutions of their country," is there no danger to these institutions to be apprehended from that cause? Will wealth make no attempt, abortive though it must be, to secure itself, by political privileges, in its appropriate enjoyments? Will it be content to hold them by an uncertain tenure, while there is any hope of putting restraints on the rapacity that threatens it? Will a hungry multitude submit to such restraints? And will not a struggle ensue between those who would impose and those who resist them, such as has never terminated but in a short-lived anarchy, followed by the rule of a despot? If these things be so, they who have gone on to work out the

problem of theoretical democracy, to its most extreme results, may have reason to suspect that they might wisely have stopped short of absolute perfection. To say no more, it might be doubted whether a constitutional disqualification of a class, which, taken collectively, may be regarded as ignorant, thriftless and depraved, would not be better than the practical disqualification of another class, which, by a judgment founded on the most legitimate presumptions, may be considered collectively as wise, prudent and virtuous.

I have already said, that, if M. De Tocqueville had come among us in the south Atlantic states, he would have seen nothing of this. He might have found something offensive to his democratic taste as reminding him of a privileged aristocracy in other countries. But his philosophical eye would have looked below the surface, and he would have seen, that there is, in truth, no aristocracy, because there are no political privileges. He would have seen no class of men, perhaps no single man cherishing "a hearty distaste to the institutions of his country." He would have seen, moreover, that this is so because there is no class that does not feel itself secure, not only in the possession, but in the fullest enjoyment of all its rights, whether original or acquired. He would have seen that this is so, because of the existence of an institution, which makes it impossible that the strife for political power should ever be exasperated by hunger, and makes all men in all conditions alike safe; "the high from the blights of envy, the low from the iron sway of tyranny and oppression." He would have seen why it is, that universal suffrage fails to produce among us the same effect which it produces elsewhere: why is it, that the poor man here is not ashamed to manifest his gratitude to a wealthy benefactor, by a devoted attachment to his person, and a sense of his private virtues by readiness to commit to him the functions of public office. He would have seen that this is so, because universal suffrage introduces to the polls but a small number of those who have not a feeling sense of the importance and sanctity of the rights of property, and do not

cherish a prevailing desire for their security. He would have seen that this too is but an effect, and that the cause is domestic slavery. The deep seated repugnance of that benevolent man to slavery, in any form, might make him hesitate to admit that any good could flow from such a source. But his candid mind might reflect that there is nothing perfect in the institutions of man, or in any of the works of his hand; and he might arrive at the conclusion, that this state of things is at least as good as that in which property is driven by the desire of security, to war against freedom, and numbers are excited by rapacity, or the fear of oppression, to war against property. He must have seen, that our condition, such as it is, promises permanency; and he would hardly have denied that it is better than the anarchy and consequent despotism in which the other never fails to end.

I beg you to remember, gentlemen, that I have but proposed to consider how far this institution is *capable* of being used as a remedy for that distemper of the body politic, which, if not the natural and necessary end of all good government, is, at least, the prevailing epidemic of the day. That it will be so used, when the time to test its value shall arrive, I hardly dare to hope. The desire of gain will not permit it. As society approaches that point at which labour becomes a drug, mammon will hardly fail to hint to the master that he might do better, first to emancipate, and then to hire his slave. The political economist will be at hand to back the suggestion, and to prove by calculation, and to show by statistical tables that the full resources of a country can never be developed by servile hands. These truths are indeed susceptible of rigid and palpable demonstration, and they will probably prevail; and states, which have hitherto loitered in the race of wealth and improvement, will spring forward with renewed vigour, and, each in turn, and in due time, will find themselves, like the eastern Caliph, in that hall of Eblis, where, in the midst of pomp and splendour, a consuming fire will prey upon the heart of the body politic.

Yet would I fondly cherish the thought that the people of the southern states, checked in their career by the presence of an element in their society which is certainly not favourable to their advance toward this disastrous consummation, may learn its value before it be too late. The tie that binds the heart of the master to his slave is every day gaining strength. The calm domestic tranquillity, and the sense of security which he enjoys in his reliance on the humble and faithful friends that surround him, are every day becoming more precious. He is every day less and less disposed to exchange the cheerful, unbought, unforced obedience of willing hands and loving hearts for the hired service of domestic spies: to exchange the hereditary tie which has come down from generation to generation, for occasional contracts from month to month establishing between those who yesterday were strangers and to-morrow may be enemies, an intercourse the most confidential, and relations the most intimate. Why should he make the exchange? Every day brings tidings of the disasters attending it elsewhere, and the most prosperous states in the world are every day furnishing evidence to prove that wealth is not abundance, that prosperity is not happiness, and that discipline and subordination, however rigid, cannot always secure order and tranquillity. Why should he make the exchange? Is it because others cannot understand the relation he bears to his slave, and he has none but his own heart to witness the benevolence and equity that preside over it. Must he hang his head and hide his face with shame, when he hears others declaim against "the wrong and outrage with which earth is filled?" He has none such to answer for. Does his heart reproach him, when he hears the indignant descant of England's purest moral bard;

> "I would not have a slave to till my ground,
> To *carry* me, to fan me while I sleep,
> And *tremble when I wake*, for all the wealth
> That sinews bought and sold have ever earned."

And who would? Would I? Would you? Would

you? Would any man in this presence? There may be some who would; and if there be, nowhere are they so detested as in the slave-holding country; and if among us here, there be one whose heart, more than any other, cherishes and echoes the sentiment of the poet, that man is a slave-holder. Is it not enough for us that we are conscious of living in obedience to the law of love, which, in whatever form it be cast, is the law of perfect liberty? Should we not indeed rejoice and exult that it has been given to us to solve the difficulty of reconciling subordination with freedom, by restoring that beautiful harmony, in which power is gentle, and obedience liberal, and the will of the superior prevails, because it is the delight of the inferior to know and do it? "Is it such a mystery," says one* than whom none lives more devoted to the cause of liberty and humanity; "is it such a mystery to reconcile despotism with freedom? It is to make your despotism *just. Rigorous* as *destiny*, but *just* too as *destiny;* and its law, the laws of God. All men obey these; and have no freedom but in obeying them."

But we may loiter and fall behind in the race of improvement and refinement! And what of that? Does improvement heal the sick, or clothe the naked, or feed the hungry; or does it increase the multitude of sufferers and their miseries? What is it but a medicine for the whole, who need no physic, which leaves untented the wounds and bruises and putrifying sores of afflicted millions? And *refinement!* What is that but the new sauce, which the pampered Roman emperor so much coveted to stimulate his jaded appetite? What does it accomplish for the poor and needy, the proper objects of that benevolence which interferes on behalf of our slaves? What is it indeed but an alembic, in which the blood and sweat of thousands are distilled into one drop of concentrated enjoyment, for the use of those whose cup is full to overflowing, and whose capacity for enjoyment is already gorged to loathing?

"O! Fortunati nimium, sua si bona norint!!"

* Carlyle.

My countrymen let no man deceive you. You have been chosen as the instrument, in the hand of God, for accomplishing the great purpose of his benevolence, according to a plan devised by his wisdom, and proclaimed in his word. You are in possession of every thing needful to your physical, intellectual and moral nature. There is enough of luxury for the health of either body or mind; there is comfort of a high order for the great body of society, and there is abundance for all. Besides this, and more than this, you have domestic peace, and security, and harmony, and love. You live under the discipline of a social system, by which the mind is informed, and the heart made better, and you have all the leisure necessary for intellectual and moral culture. You have all the elements of happiness, and all the incentives to virtue.

You have, moreover, a constitution of society, which makes the tasks of government easy, leaving no pretext to ambition, and no motive to misrule. Preserve that, and you will find no difficulty in preserving the institutions bequeathed by your ancestors, and perpetuating a form of government under which all are free, and none so free as those the world calls slaves. Study the capabilities and the imperfections of the system. Cultivate the one and reform the other. Make the slave secure, and make him feel himself secure from the envious insolence of degraded freemen, and the petty vexations of a superfluous police. Make the hand of the master strong to protect him from all injustice; and leave the rest to his own sense of interest, and to the kindly working of the best affections of the human heart.

Gentlemen ; I have spoken as in the presence of the searcher of hearts. I have testified to nothing which I do not know to be true. I have uttered no sentiment which I do not feel to be just; I have offered no argument which I do not believe to be sound. I plead before you the cause, not only of the master, but of the slave. I beseech you; I beseech the whole civilized world to leave us to execute as we may the task to which we have been appointed, and to work out unmo-

lested an experiment, on which the temporal and eternal welfare of so many millions of human beings depend.

LECTURE XVIII.

A Discourse on the Genius of the Federative System of the United States.

I appear before you, gentlemen, in compliance with an invitation which deserves my grateful acknowledgments. To have been deemed capable of offering one thought proper to guide your minds in the pursuit of truth, is an honour, which I beg you to believe I highly appreciate. In proportion to my sense of it, has been my anxiety not to disappoint your favourable anticipations. I have felt that it was my duty to give my best thoughts to the selection of some topic worthy of your attention. In my choice, I have been aided by the obvious reflection, that you would naturally expect from me a discourse on some subject not remotely allied to the studies of the youth committed to my charge. With these you have reason to suppose me most familiar; and it became me to believe that your invitation was dictated more by a wish to hear something connected with them, than by any misjudging partiality for myself.

To what theme, then, could I more naturally turn, than to that of the peculiar character and structure of our political institutions? What subject is it so much, at once, the interest and the duty of every man to study and understand? We are a free people; and when we say this, it becomes us to consider what we say, and to form adequate ideas of all the rights and all the *duties* implied in that word freedom. We are emphatically a free people; free in theory, and free in fact. By the unqualified acknowledgment of all the functionaries who minister in our affairs, *they* are *our* servants, and *we their* masters and *our own*. What

study then so interesting as that of the charter of our rights?

Yes, gentlemen, we are FREE; and this, our freedom, is our boast, for this at least we have, in common with the men whose history is fame, and whose deeds most nobly illustrate the name of man. The beacon-light which guided Miltiades, and Themistocles, and Cincinnatus, and Camillus, and Cato, and (greatest of all) our own illustrious Washington, along the path of glory, still shines for us, and to us the same path is still open. To emulate their deeds and rival their renown is the task before us; for to be free, is to have it always in our choice to devote ourselves to the well-being of our country and the world.

Yes, gentlemen! The career of these distinguished men is open to us; but it is only as the career of Cyrus was open to Sardanapalus; the career of Titus to Domitian; the career of Trajan to Elagabelus; as the career of every monarch, illustrious for wisdom and virtue, has been open to those scourges of the earth, whose life has been one wanton and tyrannical abuse of powers conferred for the benefit of their fellow men.

Gentlemen: it is in no unkind spirit that I have suggested this comparison. It is that I may at once startle you to a sense of the eternal though much perverted truth, "that liberty is power;" and that all power, whether that of a sovereign prince or a sovereign citizen, is alike a trust, delegated by the same all-wise being, and enforced by the same sanctions;—honour, the reward—infamy, the punishment. Do you look with contempt and abhorrence,

> "On him who sits amid the gaudy herd
> Of mute barbarians bending to his nod,
> And says within himself, 'I am a king;
> And wherefore should the clamorous voice of wo
> Intrude upon mine ear?'"

Well may you do so; forgetful as he is, that the power of which he boasts, was given him that he might make the sorrows of his people his own, and succour their distress, and mitigate their calamities, and soothe their

afflictions. But have you no kindred feeling for him, who says within himself, "I am a freeman; and wherefore should the eye of God or man inspect my ways or hold me answerable?" Reverse the case, and the question might be more appropriate. Were he a slave—*his misdeeds* might be *another's crimes*. As it is, he is master of his actions and his destiny. Who shall stand between him and the arbitrament of public opinion? Who shall shelter him from the irreversible condemnation of posterity? Who shall screen him from the eye of the judge of quick and dead?

Gentlemen: if to be thus free, is to be thus responsible, (and that it is so, heaven and earth do witness,) is it less your duty than that of the nursling of royalty, to acquaint yourselves with the true character of the government whose authority you direct, and the enduring interests of the country whose destinies have been committed to your hand?

You will readily answer, "No." Yet some may be surprised at the earnestness of this question, supposing, as so many do, that nothing is so easy as the successful administration of the affairs of a free people. That this idea is delusive, the history of every nation that ever tasted of freedom too plainly shows. Precisely in proportion to the strength of this delusion, and the apparent simplicity of free government, is the difficulty of the task. This it is that renders men impatient under the restraints of wholesome laws. This it is that establishes a miscalculating confidence in the efficacy of forms of government and constitutional restraints. This it is that causes that confidence to glide from the government itself to those who administer it, that lulls into fatal security that jealousy, whose sleepless watch is the only safeguard of freedom, and commits the keys of the fortress of liberty to hands which convert it into a dungeon.

Gentlemen: freedom, in its simplest, social form, is an affair of government. The philosophy of social freedom is the philosophy of *self-government*. If this were all, this alone were enough to show the difficulty of the problem. Who of us is equal to the task of self-

government, even on the narrow theatre of private life, and in the discharge of its simple duties? Yet it is in that sacred regard to these, and all the other duties of life, which we dignify by the name of virtue, that political philosophers place the foundation of republican government. "Men," says the wisest of all observers on the political history of man, "men are qualified for civil liberty in exact proportion to their disposition to put moral chains upon their own appetites; in proportion as their love of justice is above their rapacity; in proportion as their soundness and sobriety of understanding is above their vanity and presumption; in proportion as they are more disposed to listen to the counsels of the wise and good, in preference to the flattery of knaves. Society cannot exist, unless a controlling power upon will and appetite be placed somewhere, *and the less of it there is within, the more there must be without.* It is ordained in the eternal constitution of things that men of intemperate minds cannot be free. Their passions forge their fetters."

Hear too, I pray you, the remarks, by which the profound and philosophic Montesquieu illustrates the necessity of the controlling presence of virtue in a republic: "When virtue is banished," says he, "ambition invades the hearts of *all who are capable of receiving* it, and avarice possesses the *whole community.* They *had been* free *with* laws. *Now* they want to be free *without them.* Every citizen is like a slave just escaped from his master. What once was *maxim* is now called *rigour:* to *order* they give the name of *restraint,* and that of *fear* to *prudence.* FRUGALITY, then, and not the THIRST OF GAIN, passes for *avarice. Before,* the property of private men constituted the public treasure; but *now,* the public treasure is become private property. Then it is, that the members of the commonwealth riot on the public spoils, and its whole force is reduced to the power of the few and the licentiousness of the many."

I am fearful, gentlemen, that no suggestion will be necessary to awaken your attention to the resemblance, in some traits of this striking picture, to objects with

which your thoughts are familiar. But it has not been presented for this purpose. My design is to bring before you a high authority, verified, in part, by your own experience, in proof of the indissoluble alliance between freedom and virtue, and the necessity of preserving the latter as the only safeguard of the former.

And how shall public virtue be preserved? By the same means which are found most efficacious to secure regard to all the duties of private life. By *strengthening* the *incentives*, and *weakening* the *dissuasives* to virtue.

Foremost among the first is the love of country, aided by the love of honourable fame. But what must be that love of country, which is to furnish an ever present and prevailing motive of action, intense enough to triumph over the seductions of pleasure, the temptations of avarice, the blandishments of ambition? Shall it be a mere abstraction, and conversant only with abstractions? Can a name, an imaginary boundary, an arbitrary association of discordant interests and characters, possess a charm of such power? What indeed is our country, but that which embraces the objects of all the ties which bind man to his kind? And what is love of country, but a compendium of all the natural affections of the heart—a blending *of "all the charities of all to all?"*

Is it not obvious, gentlemen, that a society, embracing all that is dear to the heart of any man, must unite upon it the strongest attachment, of which his particular nature is capable? Is it not also certain, though perhaps less obvious, that this attachment will have less of the fervour of passion, in proportion as its object is weakened and diluted by being combined with other objects which are regarded with indifference and perhaps aversion? Every man is more deeply sensible of the ties which bind him to his own immediate family, than of his more extended relation to the society of which his family is a member. But let that family form but an inconceivably small part of a collective whole, made up of jarring opinions, and uncongenial feelings, and incongruous habits, and adverse prejudices, and

conflicting interests, and there is danger that the love of family and friends, on the one hand, and the love of country on the other, instead of being identical, will become antagonist passions. The very sentiments—out of whose delicate fibre is spun the strong cord that binds the heart of man to his country—may they not thus hold back his affections from fastening on that object? In short, gentlemen, does not a sound view of the philosophy of the human mind point to the conclusion, verified by all experience, that it is in small communities only, that the love of country is found to glow, with the intensity of those passions, which account life as worthless, in comparison with the honour of a wife, the purity of a daughter, or even a wanton's whim. When the countless hosts of Germany met at Austerlitz the army of Bonaparte, the pride of military glory, the very *certaminis gaudia* nerved them to a short and vigorous struggle, and then they scattered like chaff before the wind, and their country sunk unresisting before the triumphant invader. But when three hundred inhabitants of a petty Swiss canton encountered at Mogarten the overwhelming force of Austria, they thought not of victory—they thought not of glory—they thought not of safety. Their thoughts were only of their country. Their country, their *whole country*, was *spread out before their eyes*, and from every commanding height each soldier looked on the scenes of his childhood's sports, on the fields his own hands had tilled, on the roof that sheltered his loving wife and tender babes. There they stood, fighting as men who, in the midst of despair, perform the tasks of hope. There each fell fighting where he stood, and none was left to tell the story of that glorious but disastrous day. Such are the deeds that testify that the love of country may be a passion which shall spurn at every thing which might frighten or allure, and which can triumph even in death by leaving the conqueror nothing but the worthless carcass of him he would enslave.

But, gentlemen, it is not through fear alone that liberty is endangered. Other passions, though less abject, are more corrupting; and death itself does not

more powerfully influence the mind than the temptations of avarice, and the allurements of ambition. But what is that ambition, whose loftiest aim is the sovereignty of a petty canton? What is that avarice, whose cravings can be satisfied by the plunder of a small and poor state? Weak, indeed, must be the love of country which would not be proof against such paltry temptations. Between the chief of a community, whose place can scarcely be distinguished on the map—whose existence is hardly noted in the history of the world—and him who is but eminent among his neighbours for probity, benevolence and wisdom, ambition itself sees little choice. The love of power is rarely any thing but the love of money, or the love of fame, and weak must be the temptation to seek a station which promises little of the one, and nothing of the other. Ambition is indeed at work everywhere; in the village as in the metropolis; in the canton as in the mighty empire. "Little things are great to little men." But, gentlemen, it is *not by little men* that the liberties of states are overthrown, and the destinies of nations fixed for good or ill. The evils, against which we have to guard on the side of ambition, are those which might furnish motives of prevailing influence over men capable of great achievements. Ambition, in such a man, when his lot is cast in an inconsiderable community, lifts his aspiring eye to objects far above the paltry offices and petty political distinctions of the state. She reminds him that he is a member of the republic of letters, of the great family of man, and incites him

> "To make his mind the mind of other men,
> The enlightener of nations."

Hence the flood of light—the continued stream of moral and intellectual influences—that the little republic of Geneva has poured upon the world, from minds, which placed in mightier states, might have shaken thrones, and changed the destinies of the earth. It is in such states—in states that figure in the drama of the great commonwealth of nations, and whose annals

form a conspicuous part in the history of the world—here it is that ambition finds its natural aliment, and displays its portentous power.

Gentlemen: had the task which lay before our fathers, been nothing more than to devise a government for the small, though magnanimous colony of Virginia, adequate to her wants and consistent with her free spirit, that task would have been comparatively easy. Experience has shown, that the slight change in her domestic polity, rendered necessary by a severance of her connection with the mother country, was all-sufficient. The history of the world might be safely challenged to produce an example of a government more exactly fulfilling all its legitimate purposes, and no more, for fifty years after that event. Do you ask the reason? Look at the powers of your public functionaries! What object was *there* to provoke ambition? Look to the fiscal resources of the state! What was *there* to fill the rapacious man of avarice? Look to the whole structure of the government, and then find the man who could promise himself, from any abuse of its powers, an equivalent for the blessings to be enjoyed under its faithful administration!

The extreme simplicity and perfect efficiency of the original constitution of Virginia, so long as it was retained, may suggest to some the thought, that, in the problem of free government, there is less difficulty than I have supposed. But, alas! gentlemen, there was, in that constitution, one capital defect. It had not the faculty of preserving itself; for it provided no security against corruptions from without, and a consequent spirit of innovation, which first changed the people, and, through them, changed the constitution.

But still the question comes back upon us: How did it happen, that, through the lapse of half a century, the history of Virginia fully justifies the boast of one of her noblest sons—the boast, that during all that time, "not only did no instance occur, but no charge was ever made, no suspicion entertained, of one single act of corruption in any officer in legislative, executive or judicial station: that no poor man had ever been op-

pressed with impunity; no rich man exalted on the mere strength of wealth alone; and that no commotion, no faction, no animosities had ever arisen among us, in relation to our internal affairs of government."

The answer to this bold challenge is to be found in considering how much of the sources of corruption and undue influence, how many of the incentives to ambition, and lures to rapacity are found in the management of the external relations of a state. These give rise to armies, and navies, and foreign embassies; and these to commercial regulations and overflowing revenues; and here it is that ambition finds objects worthy of its aspirations, and the means of attaining them by the corrupting influence of gold.

From these mischiefs, our domestic institutions were happily exempted, by the arrangement which committed to the federal government the management of all these high and delicate concerns. Within *itself*, therefore, the state government carried no principle of corruption—no disturbing influence to unsettle the balance of its powers, and the harmony of its action. But it would have been unworthy of the wisdom of our ancestors to suppose that the evil was eradicated, because the mischief was thus turned aside. On the contrary, it became them to reflect, that if the foreign relations of a petty state might awaken ambition and afford the means of swaying and corrupting her public servants, the same danger was more to be apprehended from a government wielding the sword and the trident, and administering the revenues of all this vast continent.

The history of the time is full of proof that this danger was viewed with an anxious eye. The formation of a vast reservoir of patronage and influence, which might burst its bounds, and sweep before it all the barriers of the constitution, was a work which demanded all the skill and all the caution of the able men engaged in it. The possibility, that such a destroying stream might be poured over the land, was a necessary consequence of the union. To stay the torrent by direct opposition, might be impracticable.

What remained, but to remove, as far as possible, from its desolating course, the great bulwarks which defend the rights of life, and liberty, and property, and domestic peace, and the blissful relations of private life?

To secure this end, an attempt was made to dissociate, from the command of these sources of influence, all authority to legislate over the private interests of men; to accumulate as many as possible of the powers of government in the hands of state functionaries, having little of patronage to recommend misrule to the favour of the aspiring and greedy; and to strip the dispensers of the enormous revenues of the union of all pretexts to invade the sanctuaries of private rights.

Another consideration strongly recommended the same distribution of powers. It has been well and truly said, that it is the duty of every people to consider themselves as the trustees of the providence of God, in the use and enjoyment of such portion of *his* earth as he has allotted to them. Made for the use of man, it is his office to develope its resources, and to task its utmost powers for the benefit of the human race. To this object his legislation should be adapted. Is he blessed with a fertile soil and genial climate, that he may suffer the earth to waste its affluence in wild luxuriance, poisoning the air with rank and unprofitable vegetation? Will not the cry of the hungry orphan rise up to heaven against him, who thus abuses the bounty of the common father of all? Do the bowels of his land teem with rich ores, designed for man, and shall he not draw them forth from the deep recesses, where almighty wisdom has deposited them for his use? Do gushing streams pour down from barren hills into unfruitful vallies, and shall he fail to subdue to his service the mighty power, which, since the world began, has thus been wasting its gigantic strength, and waiting only for the controlling hand of man to direct its energies to the mill, the forge, the loom, and all the infinite variety of machineries, by which the comforts of life are extended, multiplied and diffused? Do his insular situation, and safe and capacious harbours, give him peculiar advantages for commercial enterprise, and

shall he not spread his sails to every wind of heaven, and devote himself to the noble task of communicating to every part of the earth all the peculiar advantages of each?

That such is the duty of man to his Maker and his race, none will deny; and, so far as legislation is necessary to the fulfilment of this duty, so far should it be directed to that object. But how would this task be performed by a legislative body, supreme in all things, and giving law in all things, to a country extending from Passamaquoddy to Cape Florida, to the Gulf of Mexico, and to the shores of the Pacific; a country embracing every variety of soil, and climate, and production, and including various states, some exclusively fitted for agriculture, some for manufactures, and some for commerce? Could the system of legislation which is best for each, be best for all? Must the resources of all be but partially and imperfectly called forth; or must the mean necessary to their full development in one part, be used to the utter destruction of all hope of a like result in the other? Gentlemen—we had just seen the trial and the failure of a like experiment made on this principle. The British colonies in North America, so long as the parent government confined her legislation to the proper objects of mere commercial regulation, had grown and flourished in a degree unexampled in the history of man. But a claim was set up by the imperial parliament, of a right to legislate for the colonies in all things; by an old country, for a country in its infancy; by a commercial and manufacturing country, for a country almost exclusively agricultural. The consequence of this pretension was a severance of the connection, which our fathers saw must be fatal to the ultimate prosperity of the colonies.

What different result could have been expected, had the general congress of the United States been endued with powers to legislate in all things for the whole of this vast continent? How long would it have been before a fixed local majority would find or create a fixed local interest, to be advanced by legislation at the expense of a fixed local minority? What hope would

there have been, that such a project, once formed, would ever have been relinquished? In small communities, the occasions for such combinations might be more obvious and more frequent. But in such it might not always be in vain to appeal to the sympathy or magnanimity of the stronger party. Such an appeal, made in an assembly of the people, addressed to men, each acting for himself, and responsible to none but himself, each exercising his share of legislative power in his own person, and for his own behoof; such an appeal, addressed to men so circumstanced, and on behalf of friends, and neighbours, and kindred, might not unfrequently prevail. The unequal working of an oppressive system could not be denied. Their own senses would be the witnesses. The complaints of the sufferers would sink into the hearts of those having daily before their eyes the evidence of the calamities endured. But who will expect a sacrifice of interest to sympathy in favour of the people of a distant region, of different manners, habits, opinions, and prejudices, perhaps of a different race, or deriving from their ancestors a far-descended and long-cherished animosity, both religious and political? But even though, could such appeals be made to the people directly, some momentary relentings might touch their hearts, what advantage of this sort could be expected, in a *representative* assembly, where each man acts, not for himself, but for others, and makes it a point of conscience to harden his heart against the compunctious visitings of nature, and to resist the influence of every consideration but those that spring from the peculiar, and even the mere local interests of his immediate constituents?

Such, gentlemen, are the evils, to which our masters in political philosophy allude, when they warn us against the consequences of consolidation. Such are the mischiefs, against which the authors of our institutions intended to guard, when distributing the powers of government between the functionaries of the states respectively, and those of the whole collective union. In the necessity of devising some means to place the external relations of all the states on the same footing,

and to unite the powers of all for the common defence, was found the sole and avowed motive to the adoption of the federal constitution. So far as the general government is made instrumental to other ends besides these, so far do its administrators offend against the spirit, even when they do not transcend the letter of that instrument.

On the other hand, we behold the state governments in the full exercise of that sovereignty, which holds at its disposal the life, the liberty, the property of every man in the community; yet so restrained from any abuse of powers so formidable, that we become almost unconscious of their existence. Yet there they are, and so few were the limitations imposed by the original constitution of this state in particular, that theoretical politicians did not hesitate to pronounce the omnipotent legislature of Virginia the very *beau ideal* of a many-headed despotism. Yet where were its despotic acts? Where do we find the history of its abuse of this seemingly gigantic power? No where. Where then do we find the principle which has restrained this body from perverting its authority to any purpose of oppression or injustice?

We find it, gentlemen, in the total absence of all those sources of corrupting influence, which take their rise in the management of external relations, and the disbursement of the vast revenues necessary for that purpose. Wanting these, the government of Virginia has nothing wherewithal to gild oppression, to varnish injustice, to buy the support of the mercenary, and to engage the co-operation of the ambitious. Look at our history! From what quarter of the state has the voice of complaint risen up against the state government, for the alleged abuse of any of its powers? What public functionary, however armed with official authority, however conspicuous for talent, however illustrious for public service, has dared to defy the popular will, or professing to respect it, has attempted to mould it to the purposes of his ambition? Look, gentlemen, to the highest office in the gift of the people of this state. Who feels the influence of the incumbent? Respectable as

he certainly is, how many of us here present actually know his name? Who has ever imputed to him the power of controlling elections in favour of his partizans? What fawning minion can he provide for by means of lucrative salaries; passing him on from post to post, and while his unfitness for all alike is manifest to the world, retaining him still in office? What female of tainted reputation would he dare to obtrude on the chaste society of Richmond? On whom can he cast the mantle of his authority? Where is the man whom his anointing hand can consecrate as his successor?

Nor do I limit the application of these questions to the present incumbent of that office. The answers, which would be true in his case, will prove equally true with reference to the most illustrious of his predecessors. The page of Virginia's annals is bright with the most glorious names that live in history. Among them we find that of Patrick Henry. "*His* breath was agitation, and his life a storm whereon he rode." But, in the silent discharge of his duties as governor of Virginia, that tempest was stilled: the word of power, which struck the sceptre from the tyrant's grasp, was heard no more; and his official career is nowise distinguishable by any extraordinary influence or authority, from that of the humblest of his successors. There too we find the name of Thomas Jefferson. As president of the United States, he has been seen to exercise a power over the thoughts, the affections, the will of his countrymen, without example before his time. As governor of Virginia, what was he, but an official drudge, bound down to the literal execution of his limited functions? Was the chair of state a throne of power to James Monroe, or but a *stepping-stone* from which his ambition might mount—*up*—to a *higher* place—on the *foot-stool*—of the president of the United States?

These questions, gentlemen, are asked in no invidious spirit. They are but meant to remind you how perfectly the great ends of free government have been accomplished among ourselves, by cutting off from the state authorities all the sources of influence which spring from armies and navies, and foreign representa-

tion, and the enormous revenues necessary to these objects. Deprived of these, the full and unquestioned authority to prescribe to us all the rules which are to regulate our civil conduct, and to enforce them by the most fearful penalties, is powerless, except for good. In like manner, in the regulation of our domestic police, and of the rights of individuals, and in all that pertains to the general welfare of the people and state, we find the duties of equal and exact justice to all men enforced by a responsibility to the public will, from which there is no escape.

If these things be so—if such be the security to private right and public weal, resulting from the denial of such means of influence to those who minister in our domestic relations—how important must it be, to guard the barrier intended to secure our private interests and pursuits from the invasions of an authority armed with all the power, and all the influence incident to the management of the foreign relations of this vast continent! The danger is alike in both cases, but far different in degree. Was it unsafe to commit to the state executive the dispensation of the patronage incident to the representation of the miniature sovereignty of Virginia among the nations of the earth; and can it be safe to trust to the government, which manages the whole foreign relations of all the states collectively of this extensive confederacy, any, the least, right to meddle in matters properly belonging to the municipal sovereignty? If it be unsafe to trust the trident—the thunder-bolt—the olive-branch—to him who presides over the calm relations of private life, can it be safe to permit him who is already familiar with these emblems of rule and instruments of power, to touch, with his heavy hand, the delicate interests of individuals, and to bring his portentous authority to interfere in adjusting the domestic rights and relations of men?

These thoughts are suggested, gentlemen, for the purpose of presenting fully to your view the objects which the framers of our institutions proposed to themselves, in dissociating the power to regulate the foreign relations of the confederacy, from the power to manage

the domestic concerns, and to legislate over the peculiar interests of the state respectively. How far their purposes were wise, and their plan judicious, is well illustrated by the operation of the state governments in which this plan has done its perfect work. If it has failed elsewhere, it is because the wise and patriotic statesmen of that day had no measure by which to estimate with accuracy the force of the untried powers which they were about to commit to the hands of the federal government. The history of the time shows that they but imperfectly foresaw the extent of those powers, the magnitude and importance of the confederacy, the abundance of its resources, the overflowing affluence of its revenues, and the vast amount and various character of its wide-spread and all-pervading patronage. Had they foreseen these things, they would have heeded the warning voice of that great statesman, whose tomb is in the midst of you,* admonishing them "that a defect of power may be supplied, but that an excess of power can never be recalled."

Gentlemen, in this simple proposition there is at once a manifest truth and a self-evident importance, which startle us with their palpable distinctness. We pause, we reflect. We wonder that men engaged in the delicate task of devising a form of government *for themselves*, should ever fail to practise on this maxim. What so simple, as to give, in the first instance, powers certainly not excessive, and, guided by experience, to add more as events might show that more were necessary?

Gentlemen, this is precisely the problem which the framers of our institutions proposed to work, in adjusting the balance of power between the state and federal governments. With a vast majority of the men of that day, there was a paramount desire to guard the sovereignty of the states, and by no means to arm the hands of federal functionaries with any pretext for interfering with the proper subjects of state legislation.

* Patrick Henry lies buried in the county of Campbell, in which the town of Lynchburg is situated.

But it happened, unfortunately, that while these were candidly discussing the more or less of power, which might be entrusted to the federal government without impairing the sovereignty of the states, there were some among them who deemed any such distribution of powers wholly impracticable. To them the very idea of state sovereignty was alternately an object of dread and derision. To them it seemed "that the rod of Aaron must swallow up the rods of the magicians, or that the rods of the magicians would devour the rod of Aaron." I here use the language of one of the members of the convention which framed the constitution, as spoken in debate, and recorded by the hand of him who uttered it. To such gentlemen it seemed best to carry out the parable, in conformity with the scriptural account, and so to give the rods of the magicians to be devoured by the rod of Aaron.

It is no impeachment of the motives of such men to say, that in all attempts to adjust the balance of power, they were ever ready to throw their weight into the scale of the central government. Hence the warning voice of Patrick Henry was uttered to unheeding ears. The consequence has been that we have lived to experience the truth, so simple in its announcement, and in its application so little understood; and to learn that a government, however weak, having power to assume more power, has already too much. Overlooking this, we have fallen into an unsuspecting confidence in the sufficiency of the state governments to control federal usurpations, until the authority and name of the state governments have sunk into contempt, under the overwhelming power of the government of the United States, and all the rights of a fixed local minority are held at the mercy of a fixed local majority, interested to plunder and oppress.

I have said that the error which has led to these consequences had its rise in a miscalculation of the force of the untried powers conferred by the constitution on the federal government. But there was, moreover, a fatally mistaken reliance on the pride of state sove-

reignty, and the attachment of the people to the authority and institutions of their states respectively.

In that day the primitive people of the ancient and respectable states of New England, cherished, in a spirit of exclusive appropriation, the honour of their descent from men, who, for conscience sake, had turned their backs on all the comforts of civilized life, on all the dear delights of home, and on all the hallowed scenes of their father-land, to seek, in a savage wilderness, a sanctuary of the heart, where they might worship God in their own way. This was their *peculiar* boast and pride. In this the other states had no part. Far from it; for south of the Chesapeake they saw the descendants of the very men, with whom their ancestors had struggled, in their common country, for mastery, for property, for freedom, and for life.

In that day, the people of Pennsylvania still celebrated in their hearts the mild glories of their pacific triumphs over the savage race. To them, the success which had crowned their labour of love, and established them the peaceful and prosperous masters of a soil unstained by blood, was a source of exultation all their own.

Interposed between these, the state of New York still retained many of the features of her original character as a Dutch colony. The uncouth names, the habits, the manners, and, in some measure, the language of her people, distinguished them from their neighbours on either hand. Their traditional honours were those of another and a rival race. The triumphs of the Blakes and Boscawens of England, were not *their* boast. Their glory was in the achievements of De Ruyter and Van Tromp, in laurels plucked from the British crown, and in the long and doubtful struggle maintained with the British flag for the mastery of the narrow seas.

Proudest of all, in that day, stood old Virginia, vaunting her descent from the gallant cavaliers, who had poured out their blood like water in loyal devotion to an undeserving prince: who, when all was lost, found refuge here—and here, in defiance of the parliament of

England, offered an asylum to his worthless and ungrateful son. She had scarce then forgotten, when, in the provinces beyond the Delaware, she saw none but the Swede and the Hollander, and the lineal and devoted inheritor of the far-descended antipathy between the round-head and the cavalier. In that day Virginia had not forgotten to boast that the love of liberty which then animated her, was a principle hardly more lofty and generous, than her steadfast and devoted loyalty in earlier times. It was her pride to reflect, that in all her struggles with power, no want of fidelity, no want of gratitude, no disregard of natural or covenanted obligations, and no defect of magnanimity, could be imputed to her. When the crown was torn from the head of Charles I. she had stood alone in her loyalty; she was the last to acknowledge the usurper; the last to submit to inevitable necessity, and the first to return to her allegiance, in defiance of a power before which Europe trembled. In the recent conflict she had not dishonoured her old renown. Though foremost in the race of revolution, she had been the last to renounce her allegiance; and in this, her resolute fidelity to the crown, she saw a justification of her resistance to the usurpation of parliament, and her final renunciation of that relation to the king himself, to which he, by abetting that usurpation, had shown himself unfaithful. The men of that day did not need to be told that it was not on the fourth day of July, 1776, that Virginia first proclaimed her independence. What others then declared their purpose of doing, she had already done. It was on the twenty-ninth of the preceding month, that she, by her own separate act, completed the organization of her own separate government, and, taking her independent stand among the nations of the earth, put in operation that constitution under which we were born. No, gentlemen! the sons of Virginia in that day needed not that this proud chapter in her history should be read to them. In that day they looked not abroad for topics of exultation and themes of praise. Virginia had not then forgotten to claim the first of men as peculiarly her own. The voice of her Henry still sounded

in her ears. The wisdom of her Mason still guided her councils. The rising splendour of her Jefferson still shone for her alone, and along her vallies the last dying echoes of the cannon of Yorktown still reverberated. Look where she might, what was there of wisdom and greatness and virtue, in the history of man, to which her own annals might not furnish a parallel? How poor in comparison the boast of England's poetic moralist,

> "That Chatham's language was his mother tongue,
> And Wolfe's great name compatriot with his own."

Was this an unwholesome and distempered pride? Ask your own hearts! Ask the history of Virginia, while cherishing these hallowed recollections, her sons, emulous of the example of their fathers, secured to her—not by numbers—not by wealth; but by intellectual pre-eminence—by moral worth—by magnanimous and self-renouncing devotion to the common weal—the first place in this vast confederacy!

But, gentlemen, with the wisdom or folly of these feelings we have nothing now to do. Whether for good or ill, they have had their day. They have done their work, and their place is now among the things that are past. It is no longer in our choice to revive them if we would. *They are gone*—FOREVER.

But these sentiments, gentlemen, were among the elements with which the framers of our institutions had to do. In these they saw a principle of repulsion between the states, against which they deemed it necessary to provide. In doing this, they did not miscalculate the energy of this principle of state pride. They only mistook its duration. They did not deem it possible that the time should ever come, when, in the eyes of her own sons, Virginia in herself should be nothing; when the memory of her glorious deeds should be forgotten, and their anniversaries pass by unheeded; when her own proud banner should no longer float above her capitol; and when all her pride of sovereignty and independence should be habitually derided as the apery

of children, doing the honour of the baby-house, and mimicking the airs of men and women.

These things *may* be foolish; but they were follies for which wise men made allowance. Their existence was taken into the account, and the balance of power was adjusted to them. They thus become an essential element in the constitution itself. They are like the follies and weaknesses and passions of man, which are a part of his nature, and to which God himself conforms and adapts his laws. They are as the centrifugal force in the planetary system, which, duly restrained by a counterpollent energy, preserves the order of the universe, and without which, all must tumble into shapeless ruin.

Is it not then our duty to cherish them? Do we not owe it to ourselves and our children, as well as to our ancestors, to cherish the memory of their virtues, and their noble deeds; to keep fresh in our minds the recollection of all that is glorious in the history of Virginia; to fan the flame of state pride in our hearts; to keep her independence and sovereignty ever present to our thoughts; to habituate ourselves not only to regard her as one of the bright *stars* of our federal constellation, but as, in and of herself, A SUN, sole and self-poised in the firmament of the commonwealth of nations?

And shall they who cherish these sentiments, be denounced as hostile to the union of these states? Trust me, gentlemen, it is by these alone that the union itself can be preserved. It is by these alone that union can be prevented from degenerating into one vast consolidated despotism. There, as over the wide expanse of the Russian empire, the genius of arbitrary sway shall brood, until the free spirit of our Anglo-Saxon race shall burst its bonds, and, by forcible disruption, tear asunder the whole incongruous mass, and cover this continent, like that of Europe, with the ruins of a mighty empire, broken up into kingdoms and states, implacable in mutual hate, embittered by the memory of former ties.

I repeat it, gentlemen; if we would avoid this fearful consummation, we must strive to renew in our

minds the same sentiments which once made Virginia glorious, and which made her glory precious to her sons. And said I, that this attempt would now be vain? That the spirit of our fathers was no more among us, but gone, with their achievements, to the history of the past? O! gentlemen, can this be so? Can you look thus coldly on that past? Can we, in fancy, summon from the tomb the forms of the mighty dead, and shall not our hearts be kindled, and shall not our spirits burn within us, to emulate those who acted and suffered, that we might be free, honoured and prosperous? Where do we find the brave in war, the wise in council, and the eloquent in debate, and Virginia's sons are not among the foremost? Are not the names of Washington and Henry, and Jefferson and Madison, and Marshall and Randolph, all *her property?* Are not these her jewels; and shall she, unlike the mother of the Gracchi, pine, because others may outshine her in such baubles as mere *gold* can buy? Can you consent to throw these honours into common stock, and to share your portion in Washington with the French of Louisiana, and the Dutch of New York, and the renegades from every corner of the earth, who swarm their great commercial cities, and call themselves *your countrymen and* HIS! What fellowship have we with those who change their country with their climate? The Virginian is a Virginian everywhere. In the wilds of the west, on the sands of Florida, on the shores of the Pacific—everywhere his heart turns to Virginia—everywhere he worships with his face toward the temple of freedom erected here. To us, who remain, it belongs to minister at the altar—to feed the flame—*and, if need be, to supply the sacrifice.* Do this, and Virginia will again be recognised as the mother of nations; as the guide and exemplar of the states that have sprung from her bosom, and been nourished by her substance. False to herself, and to the honour of the common origin, these will desert and spurn her. True to the memory of the illustrious dead, true to her old renown, her sons, from every realm, shall flock to her as to their

tower of strength, and, in *her* hour of trial, if that hour shall come, shall stand around her, and guard her like a wall of fire.

LECTURE XIX.

A Discourse on the Questions "What is the Seat of Sovereignty in the United States, and what the Relation of the People of those States to the Federal and State Governments respectively."

Gentlemen: When I accepted the courtesy which invited me to lay before you my thoughts on such subject as I might select, it became my duty to fix on one not unworthy of the occasion. I owed it to you to choose a theme the bare announcement of which might awaken important reflections in your minds, and thus supply those deficiencies in myself, which it may, at the same time, render more conspicuous. It happens fortunately that the nature of our institutions suggest innumerable topics of this character; and the page of our history is resplendent with events worthy to be commemorated in loftier strains and to be illustrated by profounder reflections than any which I can offer.

This day, gentlemen, is the anniversary of such an event. Sixty-three years have now rolled away since, in the ancient capital of Virginia, a deed was done worthy to live forever in the memory and in the hearts of Virginia's sons. Yet may I not ask, without offence, how many of those who hear these words are aware of the event to which they allude? How many are aware that this day is at all distinguishable from other days, when the sun, in his progress round the earth, looks everywhere on the same events, monstrous indeed when contemplated singly, but, to the eye that beholds all things, stale and monotonous in their ever recurring atrocity? In one region indeed he views a scene, where despotism, with his iron grasp, crushes the hearts

and hopes of prostrate nations. In another the infuriate shout of lawless anarchy rises from tumultuous millions just escaped from chains, wreaking their hoarded vengeance on the heads of tyrants, and then turning their thirsty weapons on each other's hearts. In these two extremes is a summary of the every-day history of man. *Here* the dull ox bears not more tamely the master's yoke, than he submits to the exactions, the caprices, the atrocious cruelties of tyranny. *There*, the tiger roars not for his prey with more eager ferocity than that which whets his sword against his brother's life, and proclaims "war to the knife," against him who hung with him at the same breast.

How refreshing, how consoling to the jaded spirit, to turn from the contemplation of scenes like these, to the calm, yet grand and imposing spectacle of a people but just emancipated from a degrading thraldom, and, in sober wisdom and quiet dignity, addressing themselves, as to the performance of a sacred duty, to the solemn and responsible task of SELF GOVERNMENT!

That spectacle, on this day sixty-three years, Virginia exhibited to the world, and the memory of that majestic scene it is now my task to rescue from oblivion. It was on that day that she renounced her colonial dependence on Great Britain, and separated herself forever from that kingdom. Then it was, that, bursting the manacles of a foreign tyranny, she, in the same moment, imposed upon herself the salutary restraints of law and order. In that moment she commenced the work of forming a government complete within itself; and, having perfected that work, she, on the 29th of June, in the same year, performed the highest function of independent sovereignty, by adopting, ordaining and establishing the constitution under which all of us were born. Then it was that, sufficient to herself for all the purposes of government, she prescribed that oath of fealty and allegiance to her sole and separate sovereignty, which all of us, who have held any office under her authority have solemnly called upon the searcher of hearts to witness and record. In that hour, gentlemen, it could not be certainly known, that the other colonies would take the

same decisive step. It was indeed expected. In the same breath in which she declared her own independence, Virginia had advised it. She had instructed her delegates in the general congress to urge it; and it was by the voice of one of her sons, whose name will ever proudly live in her history, that the word of power was spoken, at which the chain that bound the colonies to the parent kingdom fell asunder "as flax that severs at the touch of fire." But even then, and while the terms of the *general* declaration of independence were yet unsettled, her's had already gone forth. The voice of her defiance was already ringing in the tyrant's ears, her's was the cry that summoned him to the strife, her's was the shout that invited his vengeance.

"*Me! me! Adsum qui feci. In me convertite ferrum.*"

I am persuaded, gentlemen, that I should disappoint your just wishes, should I permit myself to be led away by this glorious theme into a declamatory celebration of this important event. It becomes me to suppose, that, in inviting me to appear before you, you expected that I should submit to you sober thoughts upon some subject of deep practical and enduring interest. I was bound to suppose that you wished me to select a topic illustrative of some important point in the institutions of our country. It was under this impression that I fixed on this day, not as a theme for schoolboy declamation, but as a text for remarks, which I trust may be thought not unworthy of serious and solemn meditation.

I will not weary you by laying before you the record of the transaction to which I have adverted. Enough has been said to show that Virginia, on that occasion, standing in her own place, and in her own strength, performed for herself the highest and most unequivocal act of absolute and independent sovereignty. She then affirmed in herself the *right* of self-government; she then took upon herself the *task* of self-government. In that day she commenced the work of framing for herself a constitution, under which all the powers of government were to be exercised by the ministers of her sole and sovereign will. In that day she severed her

people from all connection with any other power, from all subjection or responsibility to any authority on earth but her own. Her right to do this was indeed contested by the only country having an interest in disputing it; but the contest was finally relinquished. By the treaty of peace the sovereignty thus claimed was distinctly recognised by England, and, through her, by all the world. Thus, by the common consent of all mankind was Virginia established in the character of a free, sovereign and independent state—in the indefinite right to govern her people, to control and direct their conduct in all things, to hold them responsible to her for all their acts, and irresponsible to all the world besides.

In the contemplation of this remarkable event, questions present themselves to the mind, which will deserve our most serious thoughts. Virginia then affirmed her sovereignty, and it has since been recognised by all the world. But what is that which was thus affirmed and thus recognised? What is sovereignty; and what is the seat of that sovereignty among us?

I shall not trouble you, gentlemen, with a formal definition of the word. I am afraid I could offer none which should assign it a palpable and efficient meaning at which some who affect to stickle for the sovereignty of Virginia would not impatiently cavil. Yet even at the hands of such I will accept what shall serve me as a definition.

Define it as we may, none will deny, that where all power rightfully is, *there must be sovereignty*. And where is that? I give the answer from an authority that none can question. I give it in the language of that bill of rights which was intended to guard from misconstruction and abuse the powers which Virginia was about to confer on her own public functionaries. Its promulgation was immediately consequent on the declaration of her independence, and immediately preceded the adoption of the constitution. The three may be considered as simultaneous, and each may be taken as illustrating and explaining the other two. In that instrument it is declared, "that all power is vested in, and consequently derived from the people; that magis-

trates are their trustees and servants, and at all times amenable to them." Whose words are these? I answer that the bill of rights, in which they are found, was adopted *nemine contradicente* in the same convention which ordained and established the constitution. They are then the unanimous voice of the people of Virginia, proclaimed by the lips of those, who, clothed with all the authority then recognised within her borders, thus declared that they held it as the trustees and servants of the people. They are the concurrent declation of all concerned, both rulers and people, that to the latter all power rightfully belongs, and that the former are but their servants.

Of what people were these words spoken? Of the people of the ancient colony of Virginia, then in the act of establishing itself a free, sovereign and independent state. There was none other of whom they could be spoken. To that hour the yoke of colonial vassalage still rested on the necks of all the other North American colonies. As yet there was no political union between Virginia and the rest, nor was there any thing to draw or compel them to each other, but a common danger, and a common enemy. They were indeed invited and expected to follow the lead of Virginia. So too was Canada; and there was not one of them, which, like Canada, might not have identified herself with the common enemy, by shrinking from that decisive step of which Virginia had just set the example.

What then do we learn from these words? Do they not teach us that governments are but creatures, and the people the creator? that they, whom we familiarly call rulers, are but servants, and that the people are their master? that sovereignty cannot be rightfully predicated of government, the creature, or of magistrates the servants, but that it inheres, and must forever rightfully inhere in the people, the creator and master.

If this admits of any doubt, that doubt must vanish when we read in the same instrument the farther declaration, "that whenever any government shall be found inadequate or contrary to the happiness and safety of the people, a majority of the community hath an indu-

bitable, unalienable and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the common weal."

Gentlemen—in other countries men may speculate on the theory of the social compact. Here is the thing itself, in written and palpable form. In these words, *thus promulgated*, we find an authority for affirming their truth. As far as we are concerned they *are* true, because thus declared to be so. Elsewhere the authority of government may not be the result of universal consent, and men may elsewhere be governed by laws enacted by those whose behests they have never agreed to obey. Not so here. Here is the unanimous act of all concerned; the unanimous consent of all to live in obedience and fealty to Virginia, under any form of government that a *majority* of her people may prescribe to the rest, so long as it may be so prescribed, and no longer. If there be any lawful sovereignty on earth; if anywhere the authority of men to bind their fellows can be traced to a legitimate source, it is here.

May I not then safely affirm, that on the day when these memorable words were spoken, Virginia was a sovereign state; that her sovereignty resided in the collective body of the people, and that in that people was the seat of all power? May I not affirm, that nothing then done can be rightfully so construed as at all to derogate from this paramount supremacy thus distinctly asserted? May I not go farther and affirm, in virtue of this fundamental principle of *our* social compact, that nothing done then or since, and nothing to be done hereafter, *can* have the effect of disparaging or impairing the sovereign right here pronounced to be *unalienable* and *indefeasible*, but by the utter dissolution of the society in which it is declared to inhere? Virginia may dissolve her ancient incorporation; her people may disband, or amalgamate themselves, by a sort of political fusion, with another community, but here stand the original terms of our association, that so long as she retains her individuality, so long will the right of a majority of her people to reform, alter, or abolish any form of government that they have adopted, or may adopt,

remain *indubitable*, *unalienable*, *indefeasible*. Are we not at least bound to understand these words as qualifying and explaining every delegation of power made by the constitution about to be adopted? Are they not an admonition to those, whom, in conformity to the jargon of courts, we call our rulers, that they are our *servants* still—that their powers, however great, are not their own, but *ours*, exerted through them, *our instruments?*

I beg you to observe, gentlemen, that the answer to these questions is not to be affected by the *degree* of power thus conferred, or the forms used in designating and appointing those who are to exercise it. Remove all the restrictions of the constitution on the powers of government; obliterate every prohibition; surrender the freedom of religion, of speech, and of the press; abolish popular election, and let the title to office be conferred by lot or birth, for one year or for life; it will make no difference. The rights of the people will be less secure, but not less unquestionable. The ultimate sovereignty may be not so easily exerted, but it will be no less sacred. As long as the words of the people are sounding in the ears of magistrates; as long as they are admonished in the very charter of their authority, that their powers are but delegated, and may be resumed; that the constitution is but the creature of the people, and may be by them abolished; and that they themselves are servants, not masters; so long must it be confessed that the seat of sovereignty is in the people. "Be ye sure," saith the Psalmist, "that the Lord he is God. It is he that hath made us, and not we ourselves." "God spake once. Yea, twice have I heard the same. Power belongeth unto God." "He can create, and he destroy," and he "is God alone." Gentlemen, I mean nothing profane. But such is the relation in which the people stand to the *political* existence of their governments; and such is the language, modified to the nature of the case, which it becomes magistrates to apply to their creator, the master of their life, the people.

But, gentlemen, it is not my purpose to magnify this sovereignty of the people. It is not from my lips that

even to this hallowed name shall be addressed that flattery which all sovereigns delight to hear. My only object is to disabuse the minds of those who are in the habit of imputing sovereignty to governments. The error is so natural that it is almost universal. In other countries it may not be error. There may perhaps be nations, where, by the consent of all concerned, sovereignty resides somewhere else than in the people. I do not know that the case is possible; but if it be, that is their concern, not ours. But, unfortunately, our lips are familiar with forms of speech more suited to foreign institutions than our own. We are taught to associate, in our minds, the idea of sovereignty with the trappings of royalty; and we look at least for the insignia of active power—the axe, the fasces, and the lictors. It demands an effort of thought and imagination for which we are illy prepared, to look beyond the veil, to the presiding spirit of the temple, that sanctifies the priest, the altar, and the sacrifice. Like him who spoke to Moses on the mount, it has no bodily presence by which we can identify it. It is an object of contemplation to the mind alone. The moral and intellectual faculty alone can comprehend it. What is that object? It is the COMMON MIND, made up of the collective intelligence and experience and virtue, and alike of the prejudices, passions and infirmities of a great multitude, bound together in one great permanent copartnership of generation with generation; of the living with the dead, and with those who are yet unborn; in which the wisdom of each is the wisdom of all; the strength of each the strength of all; and the wants and weaknesses of each alike the care of all. He must have a very imperfect perception of this object, who does not discover in it something to be approached with reverence and awe. The idea of a common will pervading such a multitude, and acting with a power so overwhelming, is august and imposing. The sense of moral dignity must be perverted and corrupt in that man, who does not feel that it is the more august, the more imposing, because withdrawn from vulgar gaze; "circling its throne with the majesty of darkness," it reposes quietly within the

sanctuary; while they who strut the busy stage of life, and dazzle men's eyes with the trappings of authority, are but its servants, "the ministers of its will, to do its pleasure."

With us, at least then, gentlemen, government is not sovereign. And this is the truth with which I am mainly anxious to impress you. If there be no sovereignty in government, we owe it no allegiance. That sentiment; that subordination of the heart; that devotion of spirit, which accounts the surrender of life itself a cheap sacrifice, is due alone to that collective whole, of which we ourselves are part.

But is there then no sovereignty in that great central government, which, Colossus-like, bestrides the continent, and beneath which the states are sometimes invited to seek shelter for their violated rights and insulted dignity? Can there be so much active power, and yet no sovereignty? Can the thing so huge be yet a creature?

Yes, gentlemen. That central government itself is but "the Leviathan of all the creatures of the people's will. Huge as it is, and while it 'lies floating many a rood,' it is still a creature. Its ribs, its fins, its whalebone, its blubber, the very spiracles through which it spouts its torrents of brine against the author of its existence, every thing of it and about it is from the people."

In proclaiming that ratification of the federal constitution, from which it derives all its authority over her citizens, Virginia again accompanied this new delegation of power with the same emphatic declaration, "that all power is naturally vested in, and consequently derived from the people; that magistrates, therefore, are their trustees and agents, and at all times amenable to them." In the very act of ratification itself, she again declares, "that the powers granted under the constitution, being derived from the people of the United States, may be resumed by them, whensoever the same shall be perverted to their injury or oppression."

Was I right, when I just now inferred from the use of such language as coupled with the delegation of

power to the functionaries of the state governments, that by that delegation the sovereignty of the people was in no wise surrendered or impaired? And shall I be wrong when I draw the like inference now? Is the sovereign right of the people to annihilate the work of their hands, to recall the powers they have granted, to abolish the government they have established, the less sacred, the less unquestionable, because the exercise of the right might be attended with greater difficulty in the latter case than in the former?

I foresee that many will be reluctant to give to these questions the only answer they admit of. Their democracy is content to exercise itself in domineering over the poor, limited and feeble state government, which meekly recognises its responsibility and dependence on the people for its existence, and which is not provided with the means to purchase favour, or to overawe disaffection. At Washington things wear a different face; and men require double conviction before they will consent to adopt opinions which may not find favour in the eyes of those who dispense honours to which the loftiest ambition may aspire, and distribute revenues that might glut the rapacity of avarice. Such gentlemen will tell me, that though sovereignty is not to be imputed to the *government* of the United States, yet it resides in an imaginary body politic which they call the *people* of the United States.

To this, I answer at once, there is no such body politic, and no such people. In proof of the first of these assertions, I appeal to the record. The journal of the convention, by which the constitution was framed and submitted to the states, respectively, shows that it was proposed in that assembly to constitute the United States a body politic, endowed with the powers appropriate to that character; and that this proposition was either rejected or withdrawn by the proposer as inadmissible. There is then no such body politic as the United States, and therefore there can be no such people as the people of the United States. The idea of a people is not that of a mere multitude of men. It is that of men so associated as to form a body politic.

Where there is no body politic there is no people; and though a number of bodies politic may associate their combined authority and force, for the accomplishment of any common purpose, the several bodies politic thus associated, do but form a league, each retaining its several and distinct political individuality, without constituting a new body politic compounded of the whole.

But I do not choose to rest this proposition on an argument, which may seem too technical for the magnitude of the subject. I shall be the last to contend that the great and essential rights of men are to be determined by the niceties of special pleading. It is to the test of practical consequence that I propose to bring the question.

If the inhabitants of these United States have indeed undergone that sort of political fusion, by which states are melted down into one aggregate body politic, then in that body politic reside all the rights and powers incident to that character. A body politic owes not its authority to the government by which it is pleased to act, nor to the constitution establishing that government. These are but its creatures, and instruments. It is paramount to both, and its existence and powers will survive the abolition of both. We are all familiar with the recent instance in which the commonwealth of Virginia, no longer satisfied with the constitution first adopted, no longer willing to have its authority represented by the functionaries appointed under that constitution, came forward on the stage, and, by one word of power, annihilated both. But was the commonwealth of Virginia annihilated? Was the arm of her authority shortened? Was the right of the collective whole to give law to itself in all its parts at all impaired? Just the reverse of this was the fact. The limited authority of the agent was exchanged for the unlimited authority of the master. A government of mitigated and restricted powers had disappeared, and we found ourselves in the presence of an authority indefinite—boundless—to which all things were lawful. Then it was that the absurdity of imputing sovereignty to governments was indeed made manifest. That beg-

garly counterfeit sovereignty vanished like the detected valet at the appearance of the master whose clothes he had stolen, and whose name he had assumed. That which before had seemed the source of authority, was now found to be its instrument. That which before had seemed the fountain of light and heat, now proved to have been but a screen to soften the intensity of its rays. It was removed, and we stood at once in the unmitigated blaze of a sovereign power, to which none might say, "what doest thou?" From the government existing under the constitution, men were safe in life and liberty, and property, save only their responsibility for crimes previously defined and known. The rights of conscience, the right to bear arms, the privilege of speech and of the press, all were safe. Bills of attainder, *ex post facto* laws, and laws invading vested rights had not been within the competency of that government. But the power which abolished it, and took its place, acknowledged no such restrictions. Supreme in all things, its will was law, without responsibility and without appeal.

Such was the effect of the abolition of the constitution of Virginia. What was it but the removal of an incumbrance, not unaptly likened to the frail covering of clay that binds down to earth the indestructible spirit of man. Strip off that worthless husk. Take away the organs of sense, through which as through loopholes we look out dimly on the objects that surround us. What then! The soul needs them not. All eye, all ear, all nerve, it sees, and hears, and feels alike in every part.

Just so of the sovereignty of the people, when, by the abolition of constitutions and governments, it frees itself from self-imposed restraints. It doffs aside the puny agency of magistrates, executive, legislative and judicial; and stands confessed in unclouded majesty, sufficient for itself in all things, combining and exercising all powers and all functions.

Gentlemen; if there be such a people, and such a body politic as the people of the United States, even such must be the effect of the abolition of the constitu-

tion of the United States. But is any one prepared to admit this? Do they err who suppose that the abolition of that constitution, and the revocation of the powers delegated by the states, would but reinstate the states themselves in the exercise of those powers? Are we to be told, that instead of this, the abolition of that instrument would abolish too the constitutions of the states, and even the states themselves? Are we to believe, that as a necessary consequence of such a measure, the ancient landmarks between the states, must instantly disappear? Is the whole organized population of twenty-six distinct states to sink down at once, into one chaotic mass, in which the *discordia semina rerum*, shall struggle for the mastery, and finally take whatever form a majority of the whole may choose to impose? Can it be that the severance of the only tie that binds us to the other states, is to be followed by a necessary, complete and indissoluble amalgamation with them?

Gentlemen; I beg you calmly and distinctly to contemplate the absurdity of this idea. At present, the only right of man of Maine, Missouri or Louisiana to meddle with any thing that concerns Virginia is derived from the constitution. By this, certain defined and limited powers are conferred on the common agents of all the states. To abolish the constitution should be to determine these powers. And shall we be told, that instead of this, the effect of such a measure must be to abolish, not the powers themselves, but all limitations on those powers. Yet this must be so, if indeed there be a body politic comprehending all the inhabitants of the United States. Whatever abuses then, whatever oppressions we may encounter, must be borne with patience, lest a worse thing befall us. We must be careful not to recall any authority, which, in the language of the ratification by Virginia, "may be perverted to our injury or oppression," lest, in the attempt, we do but make a full surrender of that and every other power whatever. Gentlemen; if the science of government admits of a *reductio ad absurdum*, this is one. If there be any proposition, which may be proved to be false, by the preposterous conclusions to which it leads,

such is the proposition that affirms the sovereignty of the United States, or the existence of such a body politic or such a people.

How then, it may be asked, are we to understand the language of Virginia herself, when, in ratifying the constitution, she declares, that "the powers granted under the constitution, being derived from the *people of the United States*, may be resumed by them whensoever the same shall be perverted to their injury or oppression?

I answer, that the phrase must be understood here as in the preamble to the constitution, not as technically designating a political body, but as a mere noun of multitude. For, I beg you to observe, gentlemen, the declaration is that the powers granted may be *resumed* —restored to those to whom they belonged; not distributed, in wide and wasteful profusion to those who had never yet possessed them. The states alone had possessed these powers as separate and distinct bodies politic, and they could only be *resumed* in the same character. The grant and the resumption of power are both predicated of the same subject. Of this subject it is alike affirmed, that the powers under the constitution had been granted and were to be resumed thereby, and hence we conclude that these powers proceeded from the same source to which they were to revert. That source then was the sovereignty of the states, and not any such *body politic* as the *people* of the United States, whose association would be dissolved by the very act which was to restore the power to the hands that conferred it. So far then from giving countenance to the idea of the existence of any such body-politic, this very language exposes the absurdity of that idea. It shows, that the abrogation of the constitution was not to be attended with the consequences which the existence of any such body politic would render inevitable. It was not to be followed by the establishment of an absolute and unqualified supremacy in the collective whole, but the parts were to be *reinstated* in the exercise of all the powers and functions which they had delegated.

Observe then, I beseech you, gentlemen, the difference between the actual, though dormant sovereignty of the people of Virginia, and the imaginary sovereignty of the people of the United States. Take away the constitution of Virginia: the government is abolished, but the people and the commonwealth remain. The sovereignty, which before had slumbered while its servants watched, is awakened, and its authority absolute, boundless, unqualified, takes the place of the restricted functionaries it supersedes. But take away the constitution of the United States, and no such august object is disclosed. The people of the United States vanish. The body politic, if there be one, dissolves into thin air; and we see instead, twenty-six distinct and disconnected states, each under its simple republican forms, exercising its separate sovereignty by the same limited and responsible agents as before. Virginia may abolish her constitution, and, by the original terms of her social part, a majority of her people may prescribe to the rest what form they will. But let the constitution of the United States be abolished, and the authority of the central government expires, and can never be restored but by the unanimous consent of each one of the several states. None would have power to bind the rest in any thing.

The government then, is but the outward covering of the body politic—the fleshly vesture of the spirit within. Through this indeed it performs the functions of sovereignty, and, in the exercise of these functions, are the evidences of its living energy. And here, gentlemen, is the proof of a self-inherent power, original and indestructible. *The state has power to lay down her life; and she has power to take it up again.* Not so the Union. Let the spirit once depart from the government of the United States, and it sleeps in eternal death. The master of life—the same power which first created may restore it; but the act will not be the act of the people of the United States, acting by any authority in a majority, or in any other portion to bind the rest, but the free and voluntary act of sovereign and independent states completely dissociated, and

coming together again by a new league, in forming which each must act for herself alone.

The occasion does not admit that I should trace out in detail all the results of this argument. Nor have I a right to weary you by conjecturing the answers and objections to it which will doubtless be eagerly urged by those who bow the knee to the Baal of federal supremacy. Such will be shocked and scandalized at being told that their God is no God. I cannot stop to soothe their offended superstition; but I will take leave to say what must be the legitimate result of the doctrine which denies the sovereignty of the states, or affirms that of the government or people of the United States.

If the *government* be sovereign, then all our ideas of the sovereignty of the people are erroneous. If the government be sovereign, then are magistrates no longer the servants of the people, but their masters. But, gentlemen, if they are our masters, it must be because Virginia has made them so. She once was sovereign, and her's was once the only voice which spoke in tones of authority to her children. If her sovereignty be impaired, it must have been by her own act, when she commanded her people to render obedience to the authority of the officers of the federal government. Had she not done this, we should have owed them none. But she commanded it, and her command was law to us. But what did she command? Was it that we should obey them as *our master* and *her's?* No, gentlemen: she commanded us to obey them as her *trustees* and *agents*—as the ministers of her will. In the very act of commanding our obedience she declared them to be so, and as such, as persons authorized to speak and act in her behalf, in their appropriate spheres, she required us to submit to her authority represented by them. Over us, at least, the government of the United States is not sovereign.

But the *people* of the United States!!! Gentlemen; I will admit, that if there be a body politic consisting of the whole population of the United States, that body politic is sovereign, and the sole sovereign over us. And not only is that body politic sovereign over us,

but it is sovereign over the government of the United States, consisting of its agents and servants, and over the constitution, its creature. What then becomes of the reserved rights of the states? Of what value to us are all constitutional limitations on the powers of the central government? Why were they imposed? Was it not because Virginia did not mean to assign to any authority, acting on behalf of the whole Union, power to legislate for her people *in all things?* And why not? Was it not because it was clearly foreseen that such an authority, having no control but the will of the collective majority, must become, in the hands of that majority, an instrument for the plunder and oppression of minorities? Has not the event proved the wisdom of this apprehension? Are we not sensible, that they who struggle to free the government of the United States from the restraints of the constitution, do so only that they may give free scope to a system of plunder and oppression, of which we are to be the victims? In this danger we look to the constitution as the safeguard of our rights. But of what value is that safeguard, if, after all, it is but the creature of that very majority against which it should protect us? Constitutions cannot give law to the sovereignty that creates and may abolish them. They are but the instruments by which the sovereignty makes known and enforces its will; instruments that the sovereignty may at any moment cast away, if unsuited to its purposes.

Gentlemen—if the ideas I have presented are not utterly false, they should lead you to perceive, that they who talk to you of *divided* sovereignty, talk of that which is absurd and can have no existence. *There can be but one Supreme. There is no god but God.* The officers of the federal and state governments, said Mr. Madison, in his exposition of the constitution, are alike the agents of the people of the several states; the one set acting in the name, and for the behoof of one state alone, the other acting for all alike. The state acts through both, *surrendering* nothing of its sovereignty to either, but *delegating* an authority to exer-

cise some of the *functions* of sovereignty to *one* set, some to the *other*.

Gentlemen—in this view of the subject I see nothing but harmony and consistency; and in this view I see the only security for our covenanted rights. The conclusion to which it conducts is rational and safe. It shows the sovereignty, which the states once possessed, and which they never have surrendered in terms, still abiding in them; and it establishes you in the comfortable assurance, that your relation to the federal and state governments alike is that of a master to servants; not that of servants to a master.

But I may perhaps be asked, why I urge, with so much earnestness, what no one denies. Who among us questions the sovereignty of Virginia, that I should argue it as if it were disputed? I admit, gentlemen, that it has not been my fortune to meet with any one among us disposed to deny it. But while it is thus universally admitted, I have been concerned to see that men seem strangely afraid to affix any distinct meaning to the word. I am doubtful whether, in the mouths of most men, it stands for any thing more than a mere vague compliment paid in the same spirit in which the subject of a king imputes *majesty* to the crowned puppet that he despises. A sovereign should command the fear and love, the respect and reverence of his subjects. Their allegiance should be an affair of the heart, not mere lip service. His personal qualities indeed may render this impossible; but to a people, owning no other sovereign, such qualities certainly cannot be imputed by themselves. Every citizen of a sovereign state should be expected to recognise in that state an object at once august and lovely, before which all that is evil in man should stand rebuked, and to which all the better affections of the heart should cling with humble but proud devotion. And is it thus that the citizens of Virginia are affected to her at this day? It should be so. The memory of her old renown is still our inheritance. The men who made her name illustrious in the annals of the world are still remembered as her sons. She is still the mother of heroes and the

nurse of statesmen; and the same simple integrity and self-renouncing devotion to the right, which once distinguished her, are still her characteristics. She is still the mistress of our acts, the protectress of our lives and fortunes, the guardian of all our rights, the sanctuary of our honour. What has happened, that so few hearts are animated by the sentiments appropriate to this relation? Why is it that so few regard her with the eye of reverential love,

> Such as is bent on sun-like majesty:
> But rather drowse, and hang their eye-lids down,
> Sleep in her face, and render such aspect,
> As cloudy men use to their adversaries?

Why is it that her own proud banner no longer floats from her capitol? Why is it, that, with a name to live, her sovereignty is as though it were dead? Why, that while none among us deny it, none find pride in asserting it; none resent the denial or invasion of it by others?

Do I speak of that which is not? Are not you all sensible that these things are so? And why? Is it that she has stripped herself of the means of rewarding her children's love? Is it that the honours that tempt ambition are bestowed by functionaries who act on behalf of other states as well as her? Is it that the revenues to which the mercenary zeal of avarice looks for its reward, have been poured into the common treasury of the Union? Alas! yes. The simple badges of distinction won in her service, the laurel garland and the oaken wreath, have lost their charm. There is now no value but in gilded honours; no majesty in a diadem that does not glitter; no authority in any sceptre not of gold. Thus it is that no man cries "God bless her!" and thus it is that they who speak of her sovereignty as *any thing but a name*, provoke the rage of such as "do but crook the hinges of the knee, where thrift may follow fawning."

How else is it, that over a transaction like that of which this day reminds us, the sable pall of oblivion has already fallen? How is it that the memory of such

an event has perished from our minds? What pilgrim visits the spot consecrated by that glorious act? What monument marks it to the eye? Alas! "The fire has resounded in its halls, and the voice of the people is heard no more." None summons the sons of Virginia to "build the walls of her political Zion." None "takes pleasure in her stones." The scene of so many hallowing recollections is waste and desecrated;

> "While Desolation, on the grass grown streets,
> Expands her raven-wing; and up the wall
> Where senates once the price of monarchs doomed,
> Hisses the gliding snake, through hoary weeds
> That clothe the mouldering ruin."

Are we then indifferent to the blessings which that event bought with it? Have the rights then asserted lost their value in our estimation? Are the principles then proclaimed, and consecrated by the blood of our fathers, no longer sacred to our hearts? Have we lost that honest pride with which men cherish the glories of their ancestors; and have our minds, impatient of the debt of gratitude, hastened to shake off the memory of obligations to the men of that day, which can never be cancelled?

No, gentlemen; such is not the temper of this people. The men of that day live, and, I trust, will live forever, in the hearts of their descendants. We cherish them as the founders of our free institutions, and the champions of our rights. We venerate them as our instructors in the science of self-government, and our great exemplars in all its arduous duties. We boast of them as the bold defenders of the rights of an infant people, against the power of the most formidable nation upon earth. Not a year passes over that the fourth of July is not hailed as the birth day of American Independence. Never does the sun rise on that day, that his advent is not welcomed with the roar of artillery, while the sound of jubilee rises up in grand and harmonious accord from the lips and hearts of grateful millions. Never does it pass, that the hymn of grateful praise, the choral song, the voice of eulogy, does

not ring through the land, celebrating the glories of the illustrious men who acted, and suffered, and triumphed in the scenes which the return of that day recalls. And well may this be so. The annals of mankind may be searched in vain for examples more illustrious of virtue, wisdom and ability. Above all, we contemplate, with admiring wonder, the intrepid boldness, the self-devoted magnanimity, which manned the hearts of thirteen feeble, disunited colonies to defy a power accustomed to give law to Europe. We remember, that of their own strength they as yet had no experience. Their sufficiency had seemed all derived from her. And now the sword which had so long flamed before them, guarding, like that of the angel of the Lord, their forest paradise, was to be turned against them. Without armies, without navies, without revenue, without resources of any kind, but such as a good cause, a clear conscience, a strong will, and a firm reliance on Providence, suggest to impotence itself, they stood, like the son of Jesse, confronted with the mailed and giant form before which the stoutest hearts had quailed. Like him indeed they were not unfamiliar with the taste of danger. Like him they had grappled successfully with a savage foe, and learned that the path to safety often leads through the midst of peril. The red man of the forest had been to them the lion and the bear; and they had learned to trust for their defence against this new enemy, in the same gracious power who had delivered them from their former foes.

Of such noble confidence glorious success is the appropriate fruit. To this the instincts of our nature teach the heart to give its highest admiration, and thus instructed, we learn that boldness in extremity of danger is the part of prudence.

This wise, and just, and salutary sentiment is nobly taught in the example before us. Whenever we shall learn to look on it with that cool and calculating and self-seeking wisdom, which measures the strength of the adversary we should defy, and balances consequences and counts the cost of any struggle in defence of our rights, our freedom will be well nigh gone.

Thus it is, that in celebrating the virtues and achievements of our ancestors, we perform a duty, not only to the illustrious dead, but to ourselves and our posterity. It is a duty which brings its own reward in its chastening, purifying, and humbling, yet elevating and ennobling influence on our hearts. It teaches us to prize our rights at the full value of the sacrifice they cost: it renews the love of liberty in our bosoms; and, above all, we are encouraged to feel, that all obstacles to success in a good cause must go down before the concentred energy of a people resolved to live free or die.

Such, gentlemen, is the lesson taught us by the history of our revolutionary struggle, and well does it deserve that we should keep it fresh in our memories and warm in our hearts. By no passage in that history is this lesson so strikingly inculcated, as in that which records the event of which this day reminds us. Was it glorious for the congress of the United States, that on the fourth day of July, 1776, they adopted the bold and hazardous resolve which established their independence? Was it glorious that the representatives of three millions of people, new to the tasks of government, unprovided with the organization, the implements, and the resources of war, thus naked and defenceless, dared defy the wrath of a nation armed to the teeth in all the panoply of war; a nation whose power encircled the globe; whose flag floated over every sea; whose arms had triumphed on every shore, and whose coffers overflowed with contributions from the commerce of the whole earth? Was this an act to be remembered with wonder, and with grateful praise by us? Was this an act which should fill our hearts with pride while we trace our descent from its illustrious authors? Oh, yes! And happy he, who, on the records of that day, can point to some time-honoured name, and say, "Thus my father spoke, and thus he acted; here he fought, and here he fell."

What then, gentlemen, should be our pride of heart in remembering, that it was not on the 4th of July, 1776, but on the 15th of May in the same year; not

by the concurrent voice of three millions of people, but by that of one-fifth of that number; not by the unanimous resolve of thirteen colonies, but by her own sole and separate act, that Virginia took her independent stand among the nations of the earth.

We do injustice to the dignity of this theme, we do wrong to our fathers and to ourselves, when we permit the memory of this event to fade from our minds. It well deserves to be remembered, and commemorated, not as a topic of vague and empty declamation, but as an occasion for sober thought, and serious self-examination. It calls upon us, as in the presence of the sacred dead, to look into our own hearts, and estimate the value which we set at this day on the heritage purchased by the blood of our fathers. That heritage is the *independent sovereignty of* Virginia—and the inquiry to which I have invited your thoughts, is to lead you to a just sense of its importance, and a wise choice of the means of preserving it. It is a question on which depends the value of all those charters to which you look as the monuments of your liberties. You owe it to yourselves to understand all these aright, that you may transmit unimpaired to your children the blessings which they have so far secured to you.

No people should ever permit themselves to feel secure in the enjoyment of their rights. They are always in danger from some quarter. The rights of men are always the natural prey of the worst passions of the human heart, whether aspiring or base. Ambition, in its eagle-flight, is ever hovering over them, and ready at any unguarded moment, to pounce upon them. The serpent-guile of avarice, that creeps upon its belly, and eats the dust, is always seeking to invade the nest where all our dearest blessings lie. If we mean to preserve them, we must watch over them; we must learn to know and number them; we must study the tenure by which we hold them; we must qualify ourselves to scent afar off the dangers that threaten them; to trace the serpent by his slime, and to know the eagle by his portentous scream.

The rights of Virginia have been more than once in-

vaded, and the assault has always been on the same quarter. The device of the enemy has always been to question her sovereignty; to deny her right to self-government, and to establish a claim to hold her, (always, as it has been pretended, for her own good,) in a state of pupilage. Whether the object were to bring her under the dominion of a low-bred tyrant in a distant land, the murderer of his king, and the felon usurper of his country's rights; or to lay open her resources to the plundering rapacity of a foreign parliament, claiming the right to give what was not their own; or to transfer her very heart's blood, by a sort of political suction-pipe, to fertilize the barren shores of a neighbouring state; in each and every instance, the device of the adversary has been to deny and to deride her claim of sovereignty. Here they saw was her tower of strength, and all their art has been employed to wile her from it, and tempt her to put her trust in other defences, and to rely on the justice and benevolence of those who offered protection in the words and tones of friendship. Happily for her, she has been always no less sensible than they of the consequences of such reliance, and has always, in her hour of need, sought safety behind the bulwark of her sovereignty. Therefore it is that I have been thus careful to lay bare to you its foundations; to remove the rubbish that conceals them, and to show that it is built upon a rock.

Gentlemen—if I have so far succeeded in embodying the idea of the sovereignty of Virginia, that it is palpable to your understandings, that your minds "can lay hold of it by faith"—then I say to you, "Consecrate it in your hearts: establish it in the hearts of your children: set it up among your household gods: hang it out on your banners, with the true and appropriate motto, *In hoc signo vicimus; in hoc signo vincemus.*" If any man shall persuade you to exchange this sacred right of a people constituting a community within themselves, to govern themselves in all things, and to decide for themselves in the last resort, in all that pertains to their welfare, for the plighted faith of other communities, or for any other security under

Heaven, distrust him. He would tempt you to the league of the sheep with the wolf. Consent to part with that jealous guardian of your rights, under whose wakeful care you may sleep secure from all *external* danger, and every thing you can ask will be *promised* you. *But put away from among you that sanction to your rights, which unfettered and irresponsible sovereignty alone affords, and you will find that all your covenants are but a paltering juggle, "that keeps the word of promise to the ear, but breaks it to the hope."*

LECTURE XX.

The Nature and Function of the Commercial Profession.

Gentlemen—There is nothing which so strikingly characterizes the present age, as the advance of knowledge: and the consequences of that advance are such, as hold out inducements to the farther pursuit of knowledge, which perhaps have never been duly appreciated until now. Wise men, in all ages, have been sensible that knowledge is the guide of enterprise—the co-worker with industry—the purveyor of plenty—the minister of comfort—the nurse of prosperity. But this truth, once known only to the enlightened few, is now the common property of all; and all men, in every occupation, and in every class and condition of society, have been made to see, that science and art have treasures in store for them too, which they have but to explore and appropriate. More than a hundred years ago, Newton, in ceasing from those labours which had commanded the wonder and applause of the world, sorrowed to think how little he had accomplished. He felt that he had but conducted the enquiring mind to the margin of the vast ocean of knowledge, and he urged posterity to explore the treasures of the deep, of which he regarded the little that he had gathered on the

shore as comparatively worthless specimens. Of all he taught this was the most important truth. But this they overlooked or undervalued; and half a century passed away before they ceased to be content to amuse themselves, like children, with the shells and pebbles collected by him, as treasure enough for the world. Since then the human mind has been awakened by a new impulse; and now a thousand telescopes explore the sky, and penetrate the mysteries of the stars; a thousand geologists dig from the bowels of the earth new proofs of the authenticity of revelation, corroborating the Mosaic history of the creation, and date of the world; a thousand chemists analyze the productions of nature, and trace back all her works to their first principles; and at last philosophy demands a parley with the lawless wind and the careering cloud, that she may question them whence they come and whither they go, and publish their answer to the world.

Who is there that derives no benefit from these researches. Science now guides the mariner over the trackless ocean, and conducts him home in safety, freighted with the productions of every land, and the wealth of every clime, to distribute among all the inhabitants of the earth, all the good things that heaven's bounty has scattered over its surface or buried in its bosom. Science directs the hand of the artizan; science lightens the labour of the mechanic; she even condescends to lend her aid to the humble tasks of the menial; and thus labour is rendered more productive; and its fruits are cheapened and made accessible to all; and the standard of comfort is raised; and the very slave, reposing from his toil, finds himself surrounded by conveniences, to which, in former days, the princes of the earth were strangers. Science clothes the barren field with the rich harvests of abundance; science, as by the touch of magic, transforms the rude material into instruments of use or comfort; or into warm and rich, and gorgeous robes; or splendid ornaments; and, like the bee, that sucks honey from the most noxious plants, science disarms the deadly drug of its poison, and, elaborating from it a salubrious principle, converts it

into an instrument of life and health; achieving a triumph over death with the weapons of death himself. Science is the great benefactor of mankind; the protean excellence, which assumes and accomplishes the tasks of every virtue. Fulfilling the gracious precept of divine benevolence, science feeds the hungry, and clothes the naked, and ministers to the sick and the afflicted: yea, she even counterfeits the marvels of miraculous beneficence, by giving sight to the blind, and ears to the deaf, and causing the lame man to leap as an hart.

These thoughts have been suggested by the name of that association, at whose invitation I now appear before you. I saw in it one of the indications of that march of intellectual improvement, which is the boast of the age we live in; and I hailed it as an institution happily established for the purpose of accumulating the means of information, and opening the sources of knowledge, and especially of that knowledge which gentlemen engaged in commerce ought to possess.

Gentlemen—If there be a profession, which, more than every other, promises rich rewards to the pursuit of knowledge by its members, it is that of the merchant. If there be a class of men, who have it more in their power than every other, to make their knowledge profitable to themselves, and useful to society, and to the world at large, the merchants compose that class. I am aware that the obvious and popular account of mercantile prosperity is, that it is made up of the returns of capital and the rewards of enterprise. This, though true, is not the whole truth; and he who rests content with this account of the matter, is not much in advance of the tyro, who only knows, that an occupation, in which one habitually sells for two dollars what he has bought for one, is of course a gainful occupation. But, if the whole secret of the merchant's art consisted of such obvious truths, what should withhold any man from becoming a competitor for this rich profit, and how soon should we find the profit itself reduced to nothing by excess of competition?

Gentlemen—The most precious article in the merchant's assortment *is his knowledge;* and this it is that

he combines and mixes up with all he sells; and, in the price that he receives for this is the great profit of his business. This idea, I am sensible, is new to many, and, in the form in which I have presented it, may, perhaps, be new to all who hear me. Yet I do not despair of being able so to explain and illustrate it, that its truth shall be acknowledged with pleasure and with pride, by those to whom I would recommend it. If, in doing this, I shall be so fortunate as to place the mercantile profession on higher ground than it is commonly supposed to occupy, and to vindicate its claim to the respect and gratitude of society, I shall have accomplished a duty pleasant to myself, and surely not unacceptable to you.

First and foremost among the items of knowledge which are most precious to the merchant, is the knowledge of that great truth, by which alone he learns *to establish* FOR HIMSELF and OF HIMSELF a sure basis of extensive commercial enterprise. I mean the truth, that *credit is capital*, and that *prudence* and *integrity* form the only sure foundation of credit. This foundation it depends on *himself*, and *himself alone*, to lay. The heir of affluence may dispense with it, by limiting his operations to the extent of his patrimonial resources. He who, less fortunate, must be the architect of his own prosperity, must build on this foundation or he builds on the sand.

The truth to which I assign so much importance, is, after all, but another form of the hackneyed maxim, that "honesty is the best policy." With this we are all familiar from our infancy; for even they whose experience has led them to doubt, or whose weakness has been tempted to disregard it, still teach it to their children. Alas! how many are there, who, soon after their entrance into life, begin by neglecting, then learn to doubt, and end in despising it. The merchant is not of this number; for his profession is a school, where this lesson of sound wisdom as well as sound morality is daily inculcated, illustrated, and enforced. Continually present to his business, it is ever in his mind. He understands it in its causes, he traces it to its con-

sequences, and follows it out into all the details of a system of finance, which the profoundest philosopher, the most sagacious statesman, unaided by experience, could never have elaborated. This knowledge is not for himself alone. It is for his country—for society—for the world; and the counting-house becomes at once the nursery of public faith, and the school of financial wisdom and skill. The sciolist in politics may prate about hard money, and bank paper, or may imagine that credit can be created at will by the establishment of banking institutions, or dissipated by the capricious breath of arbitrary and perverse legislation; but the merchant knows, and the statesman who has studied finance in the school of the merchant knows that *"where* PRUDENCE *and* INTEGRITY *are wanting,* CREDIT *cannot exist, and that where these prevail,* CREDIT *cannot be destroyed.*

Is the merchant's profit then the return on capital, or is it the price of that knowledge of the sound principles of commerce, and the reward of that integrity and prudence, which enable him to dispense with capital? In doing this, indeed, he often uses the capital of others, and for such use compensation must be made. But what is that compensation but a part of the price he pays for what he buys? The *excess* is his profit.

If society—if the world owed nothing else to the merchant but the knowledge of this truth, this alone would entitle him to a place among the best benefactors of mankind. Trace man through all the gradations of his condition, from the highest perfection and happiness of which his nature has hitherto shown itself capable, down to that lowest abyss of abasement and misery, in which nothing of humanity but a distorted semblance of the outward form remains to him, and in every step of his degradation you will find a corresponding ignorance or insensibility of this great truth. The nation where it is universally understood, and firmly established in men's minds, and incorporated in usages, and recognised and maintained by laws, and interwoven with political institutions, commands at pleasure the capital of the whole earth, and makes every production

of nature and art, throughout the world, tributary to her prosperity. The example of England at once occurs to every mind. Where does the sun shine to ripen the fruits of the earth, and she is not enriched by his beams? On what cultivated field do the showers of heaven descend, and part of the harvest is not for her? What mine is explored, whose treasures do not find their way into her coffers, and whose gems do not glitter on her brow?

An example may be found in our own country, which presents a yet more striking aspect of moral grandeur, and illustrates the triumph of these great principles over all the obstacles that nature can interpose. Look at the state of Massachusetts! What a prospect did that country present two hundred years ago to the eyes of the pilgrims who first sought there a sanctuary for civil and religious freedom! A stern climate and a sterile soil would have repelled the wanderers from its frozen bosom, had they not, like the Israelites of old, felt that they were conducted by the hand of God himself. Strong in this faith it was an essential point in all their plans and purposes, by no fault of theirs to forfeit the divine protection on which they mainly relied; and they resolved to persevere, under the profound conviction that, to clean hands and stout hearts, to integrity of purpose, to strength of will, to energy in action and fortitude in endurance, sustained by heaven, and guided by enlightened civilization, there is nothing impossible.

In this spirit they undertook the settlement of that inhospitable wilderness: in this spirit they achieved it; and in this spirit have they continued to act in the management of all their concerns, and in their whole system of law and polity. *Now* behold the result! Where on earth is there a community more flourishing, more rapidly advancing in prosperity, more distinguished among the nations for all that constitutes true glory? Where too is there more happiness for the individual man? Where is established a higher standard of comfort; where are the means of intellectual improvement and moral culture more extensive and effi-

cient; and where have these more widely disseminated, through all the ranks of society, the treasures of knowledge, the maxims of morality, and the truths of christian revelation.

What has achieved all this? It is all the work of commerce. But where did commerce find capital to serve as the basis of her operations? Was it brought with them by men driven from their homes by oppression and plunder, and cast naked and hungry on a desert shore, the abode of savage foes? Was it gleaned from the barren soil of the country of their refuge? Was it dug from the bowels of the earth? The earth there has no treasures on its surface, or in its bosom. The moaning blast from the bleak hills could only waft to them a voice which said,

> "We yield you shelter in our breast:
> Your own true hearts must win the rest."

And they did win it. But how? By a knowledge of the respective wants and resources of the different parts of the globe; and by the exhibition, everywhere, of those high but unambitious virtues, integrity and prudence, which secure universal confidence, and, by commanding credit, supply the place of capital. The enterprise of the northern merchant, the hardihood and skill of the northern seaman, are both indeed proverbial; but is it these alone that have made Massachusetts what she is? Let these remain; and take away the stern fidelity, the intrepid disregard of all consequences that may attend the fulfilment of engagements, the professional pride of the merchant in the sanctity of his plighted word, and the sound and efficient system of jurisprudence, established, upheld and enforced by public sentiment, to secure the faith of any whose faith might waver, take these away, and Massachusetts would to this day have presented the aspect of a barren shore, the abode of a few wretched fishermen and wreckers, detested and dreaded by all the world, professing nothing here, and hoping nothing hereafter.

At this moment, while in other parts of the United States, credit is crumbling away, and tottering on the

unstable basis of positive institutions, all the resources of the whole commercial world are at the command of the state of Massachusetts. And why? Is she richer than any of the rest? Is she richer than the collective whole? No. But commerce is so extensively interwoven with all the affairs of her people, and the principles of commerce are so generally understood among them, that no fear is entertained, that a majority will ever abuse their political franchise, to their own destruction, by knocking away the only sure prop of commercial prosperity. The credit of the state of Massachusetts rests on public faith; and that on the good faith of the merchant class, and on the influence of that class to disseminate through the community a sense of the value, as well as the sanctity of all plighted faith, whether public or private. The same is true of the English nation. That fidelity to engagements, which commands the confidence and the resources of all the world, finds its guarantee less in the stern decrees of Westminster Hall, than in the just and enlightened maxims of the Royal Exchange.

These, gentlemen, are the causes of prosperity to these two communities, causes which have filled their cup to overflowing, and have enabled them to pour the redundant streams into channels of benevolent enterprise, for which the very ends of the earth have reason to call them blessed. Hand in hand they have kneeled at the altar of God, and devoted themselves to a new apostleship: and, as the Saviour of the world sent forth his disciples by two and two to disseminate the glad tidings of salvation, so have these two been consecrated to "go into all the earth, and preach the gospel to every creature." Is there an idolator who has turned from his images of wood and stone, to the worship of the living God, that does not owe his conversion to them? Is there a pagan, who, instead of the blood of his fellow man, immolated on the altar of his barbarous creed, now offers to Heaven only the sacrifice of an humble and contrite heart, and renouncing rapine and slaughter, makes the duties of brotherly love the business of his life, that may not attribute the blessed change to

their influence? And is there, then, a corner of the habitable earth, that has not reason to rejoice that both old and New England have had the wisdom to base their commercial establishments on the great commercial truth that PRUDENCE and INTEGRITY are the foundation stones of credit; and that credit, by commanding and concentrating all the capital that is, and anticipating even that which does not yet exist, is capable of achieving tasks which capital alone could never accomplish?

But commerce is not merely the handmaid of benevolent enterprise. She is herself the great apostle of civilization to the whole human race: and the commission of her apostleship is found in the wide distribution of the bounties of Providence over all the earth. Whatever region produces these, invites the visit of the merchant, and no land is so forbidding, no climate so stern, no atmosphere so pestilential, that he does not brave their dangers, in the pursuit of his object. That object is gain; but the manifest purpose of him who placed these treasures in regions, which otherwise the foot of civilized man would never tread, is the civilization and improvement of the whole human race. To this great end he who causes the wrath of man to praise him, renders the cupidity of the merchant subservient.

While contemplating the subject in this point of view, it seems hardly worthy of its dignity, to note the benefit which is immediately conferred on the inhabitants of every country, whose superfluous and wasting productions are thus exchanged for the superfluities of other lands, which, to the new possessor, are rare and precious beyond all estimation. It is here we find the secret of the gainfulness of the commercial occupation. Distant parts of the earth produce, spontaneously, and without stint, articles peculiar to each, and of great intrinsic value, and, at the same time, incapable (such is the mysterious law of nature) of being produced any where but in the very region appointed for them by Providence. Why is it that the productions of the eastern and western hemispheres, under the same parallel, are not the same? In the laws of natural philo-

sophy we seek the answer in vain. But when we consider the moral nature of that Being whose will overrules all the laws of physical nature, we perceive a reason worthy of his wisdom and benevolence. Hence there is hardly a corner of the earth which is not ransacked to minister to the comfort and luxury of our daily existence; while, to the inhabitants of regions where many of the articles thus employed are produced without labour, they are worthless (but for the distant demand) as the dust beneath their feet. How many things does science make valuable, which, to ignorance are but dirt and dross? How many things does art make instrumental to enjoyment which ignorance thrusts aside as loathsome and disgusting? What but the eagerness of the invaders of Mexico and Peru led the inhabitants to suspect that their gold and gems were worthy to be compared in value with the iron of Europe? How long will it be before the savage of our western wilds will cease to think his most valuable furs well exchanged for a handful of powder? And so they are. From the very first, all parties are benefited by the exchange, for at either extremity of the chain of intercourse, each receives, in return for a small amount of labour, that which is of great value to him, and which no labour of his own could have produced. At first indeed the merchant indemnifies his hazards and requites his trouble with much the largest part of the gain of the whole transaction. But competition in time reduces this to a juster proportion, and in the end, we find all parties enjoying, by fair distribution, a benefit which adds immeasurably to the comfort and happiness of each.

In this view of commerce, its marvellous creations lose all their strangeness, and we see, without wonder, Holland emerging from the sea, and the merchant-kings of Venice covering their islands with palaces. The desolation of Tyre no longer makes us doubt the history of her former splendour; we see the foundation of Solomon's temple laid in that wisdom which made Jerusalem the emporium of commerce; and we muse with awe, but without amazement, on the marble waste of arch

and column, of temples, palaces, and tombs, which was once the queen of cities, the Tadmor of the desert.

Such were the works of commerce, wrought with only the clumsy machinery which ages of comparative barbarism supplied, and by the exchange of the ruder productions which the imperfect state of art and science afforded. But were these mechanical tasks of commerce the only source of profit to the merchant, and did his usefulness to mankind depend on these alone, how vast, how various, how valuable, the knowledge which this would require! Does there lie hid, anywhere within the deep recesses of our rugged mountains, and pathless forests, any production of nature rude to the eye, and valueless to the unskilful, yet capable of being converted by the touch of art, into an article of essential use? How valuable to himself—how valuable to his country would be the knowledge which should guide the merchant to this unsuspected treasure! How richly, and how deservedly would his labour be rewarded! That such things do exist, I have reason to believe; and it is only because *my knowledge is imperfect,* that it has been of no use to myself or to others. It is perhaps true, that there is not a corner of the habitable globe, that does not furnish something peculiar to that region, or but obtained from thence, for which the artisan of Europe would gladly exchange the means of comfort and happiness, and incentives to cultivation and refinement, to some naked savage, hardly superior to the beasts around him.

But, gentlemen, I do not mean to dwell on this view of my subject, so familiar to every intelligent member of your profession. Looking only to the animal wants of our poor naked shivering nature, there is, even in this view, much to cheer the heart of the philanthropist, and to raise the mercantile profession in his esteem, as an instrument of universal benevolence. But, in comparison with that great theme which I did but touch, how low and sordid do all such considerations appear!

Returning for a moment to that, I repeat it, gentlemen, that commerce is the great apostle of civilization to the whole human race; and that the commission of

her apostleship is found in the wide distribution of the bounties of Providence over all the earth. The spices of Arabia charge the gale with a summons that calls her to dispense the humanizing influences of Christianity to those, whose hand, since the days of Ishmael and Esau, has been against every man, and every man's hand against them. The gem that flames in the mine of Golconda, summons her to pull down the temple of Juggernaut, and crush his crushing car. The whale, that tumbles his unwieldy bulk beneath the northern bear, or the frozen serpent of the south; the elephant that roams the forests, and the ostrich that scours the dusty plains of Africa; the beaver, that beyond our own remotest mountains, prosecutes his half-reasoning toil, on streams that pour their waters into the Pacific; —all these proclaim her mission;—all these call her to the fulfilment of that high function to which God has appointed her.

How hitherto has this duty been performed? I will not pain you, gentlemen, by answering the question. But, if she has carried persecution, where she should have dispensed consolation—if she has but added new forms of wretchedness instead of alleviating the old—if she has deepened the night of barbarism by rendering civilization odious to the wretched victims of cupidity, whence has this been, but from a want of knowledge—a want of knowledge of her *interest*, and knowledge of her *duty?*

Pursue this thought in your own minds, and ask yourselves, what would have been now the condition of the world, had commerce never been the pursuit of any but men of enlighted minds—minds not merely familiar with professional technicalities and details, but informed by cience, liberalized by literature, and refined by the divine precepts of christianity.

Gentlemen—Without announcing any particular topic, as the subject of this discourse, I proposed to set before you the reasons why my heart rejoices in the establishment of your institution, and, if possible, to give it a new value in your own eyes, and to offer to you

new incentives to that intellectual cultivation, the desire of which has called it into existence.

If there be any truth in the thoughts that I have suggested, how deep an interest should be taken by every member of the community in your laudable institution, and how strongly should your own minds be excited to avail yourselves of its advantages! You need not be told how important it is to the merchant to furnish himself with an accurate and detailed knowledge of all the wants and all the productions of the various regions of the earth. Furnished with this, he knows the proper markets both for buying and selling; he purchases at the bare cost of production, and sells at the largest possible advance, and at the same time, confers a benefit proportioned to his own profit, both on those of whom he buys and those to whom he sells. Even when his business is not on such a scale as to justify him in seeking all the various articles in which he deals, at the very place where they are produced, he should still know whence they come, and the cost of their production. Without this knowledge, he is at the mercy of the importer, and liable to heavy losses in the price of every thing he buys. But possessing this sort of information, he is prepared to detect imposture, to resist exaction, and to obtain such terms as may enable him to sell at a fair profit, and yet to undersell his less intelligent competitors. He thus extends his business, and merits and secures the gratitude of those whose comfort is promoted, and whose expenditures are diminished, by dealing with one, who is all the time enriching himself by the same transactions.

All this you need not be told. It is written in the very horn-book of your profession; and he who knows not the importance of this sort of information, is ignorant of the simplest rudiments of commerce. He is a snare to all who deal with him, and finally becomes himself the victim of his own rash ignorance. But the knowledge thus confessedly proper for every merchant, is possessed in fact by few; and that for the ever prevailing reason, that it is not to be acquired but at an expense of time, such as men, in the hurry of business,

and the eager pursuit of present gain, rarely devote to purposes not to be accomplished for years to come.

Important as this sort of knowledge is to the prosperity of the individual merchant, it behooves him yet more, as a member of a body united by a great common interest, to study, in its principles and in its details, the whole commercial system of exchange and credit, of which I have already spoken. This is a matter which blends the interests of the merchant with the financial operations of government, and with the politics of his own country, and of the whole commercial world. Through this he has an interest in events, which, to the common eye, seem only to affect the well-being of distant lands. The wars of foreign nations, the revolutions of remote empires, the abundance or deficiency of harvests beyond the Atlantic—all these affect not only the merchant engaged in foreign commerce, but they influence and mingle with the affairs even of him who buys only in the nearest market, and sells only to his immediate neighbours. The wide spread ramifications of the admirable system of credit and confidence pervade the whole of civilization, and, like the nervous fluid, impart an exhilarating and healthful influence to the whole, or convey through every fibre, some impression from any shock received by the remotest part. To understand this system, as a whole, and in its parts; in its good and its evil; in its beneficial effects, as a cause of prosperity; and in that sensibility to malign influences, which to the peevish or superficial sometimes gives it the appearance of a thing evil in itself. This is, perhaps, in the present state of political science, the most important study of the statesman as well as the merchant. But where does the true statesman look for that information which is to qualify him for his important duties as the conservator and nurse of the prosperity of his countrymen? To whom do the financiers of that great commercial country, England, whether in the cabinet or in parliament, address themselves, when any great problem in commerce or finance is to be worked out? They go to the Royal Exchange. They summon the merchants to

Westminster Hall and Downing street, and, relying on the wise maxim, "*cuivis sua arte credendum*," they seat themselves at his feet, and listen to the lessons of his experience, as to the teachings of inspired wisdom. This was the school, in which that wonder of precocious ability, the younger Pitt, acquired that knowledge of finance, which distinguished and placed him at the head of modern statesmen; and here it is that his successors have obtained that extensive and accurate information of all the commercial interests of the kingdom, which, directing all public measures to the general prosperity, secures the harmonious co-operation of all the energies of commerce with every purpose of the government.

Gentlemen: there is one view of this subject, which acquires incalculable importance from some circumstances, which distinguish the present state of the world from any of which we read in history. Hence, history, the great teacher of practical wisdom; history, which has been well said to be "philosophy teaching by example;" history herself is here at fault. Men have never before witnessed a career of uninterrupted prosperity, whetting by success the appetite for wealth, until the desire of gain has become the ruling passion in all classes of society, and wealth is heaped up on every hand in glittering masses, tempting cupidity to plunder. Hence a war against property, in all its forms, has been openly proclaimed; and the elements of disorganization have been stirred up, and the sons of rapine, everywhere summoned to the strife, flock to her standard, like the hosts, who, in the latter day, shall come up to fight against the Lord, at the great battle of Armageddon. This portentous movement is not confined to any one country. It pervades all christendom, and is most active and most dangerous in those very countries where the reign of peace and civilization has most widely diffused the blessings of prosperity. While the harmony and happiness of the world are thus threatened, it behooves all to whom they are precious to gird on the armour of reason and truth and soberness, and prepare to resist the wild inroad.

Foremost among those to whom belongs this im-

portant duty, is the merchant. Property in his hands is not constrained to wait the spoiler's time, and, when assailed, to become his passive prey. He holds it in a form that makes it an efficient weapon whether defensive or offensive. He is the sentinel on the outer wall. It is his office to descry the approach of danger, to sound the alarm, to sustain the first assault, and to beat off the assailant. There is no instrument of more potent efficacy in the strifes of men than wealth; but the wealth of the property-holder, and especially the land-holder, is not enough at his command to be thus used. It is the merchant and the capitalist, whose resources may be employed at pleasure to enlist force against force, and drive back the robber to his den.

But besides this, a duty more pacific, and far more honourable, devolves on them. It is theirs to divert this struggle, and to disarm the cloud of its thunders before it strikes. It is for them to study the mysteries of that marvellous prosperity which thus provokes cupidity, and to show the world that the interests of all mankind, in every class, of every country, are indissolubly connected with, and dependent upon it; and that all who war against it, war against themselves. This fact, gentlemen, is in truth, the great security for the peace of the world, and the harmony and good order of society in all civilized communities. It is of the nature of that wealth which has its rise in commercial confidence and credit, that it is available only to the rightful possessor, and eludes the grasp of the robber. Under the stern dominion of oriental despotism, where force is the only law, superior force may triumph over law; and property of every kind is precariously held, sometimes at the mercy of him who should protect it; sometimes at that of such as defy his authority. In such a state of society, wealth concentrates itself in gems and jewels, and finds its best security in unsuspected holes and corners, or lurks beneath the patches of a tattered garment. To display it in any tangible form, is to lose it. But where law and order, and Christian morality, and the inviolable fidelity of mercantile faith have given birth to a system of commercial

credit, wealth needs no hiding place. It openly shows itself in all the costly appliances of comfort and luxury, and the arts and devices of delicate and refined taste, and the elegances and splendours of magnificent display and gorgeous pomp. These seek no concealment, and these, therefore, are open to the grasp of rapacity. But of what use would be these costly toys to the Jack Cades of modern radicalism? They are but the outward signs and indications of wealth, which perish in the using, and can only be truly enjoyed when perpetually renewed from stores which the hand of the spoiler cannot reach. He may seize upon them, and fancy that he has secured the possession of the same perennial fountain of abundance and luxury, which he has seen pouring forth its affluent stream for the benefit of the rightful owner. He has but caught the bubbles that danced upon its surface; and the reservoir which supplies the stream is far beyond his reach, deep hid in recesses, which he vainly desires to explore. An unseen hand cuts off the supply, and at the same moment a new fountain gushes out as from the rock of Horeb, in some distant land, where the intended victim of rapine again enjoys in peace the fruits of his labours. The musician may be robbed of his instrument, but the inspiration which breathed into it the soul of music has fled with him, and is still his solace and his pride wherever he goes. So let the counting-house of Rothschild or Baring be rifled, and it may be doubted whether the robber would not have more enriched himself by the plunder of a pedlar's pack. Let a tyrant confiscate their wealth, and immediately their wealth takes to itself the wings of the morning, and flies away into the uttermost parts of the earth. Let a bank be plundered, and though that bank be sufficient for all its own purposes, and for all the purposes of credit and commerce; though it be prosperous and flourishing, able to meet all engagements, and at the same time affording fair profits to the partners, and incalculable benefits to the community, yet, if its resources consist only of notes which the plunderer cannot sue upon, and dare not show, the mischief he does to others is attended with no benefit

to himself. A part of that mischief indeed falls on his own head, and he too suffers in the general wreck of commerce and credit.

May not this be one reason, gentlemen, why politicians and schemers of the robber-school, so fret and rage against the credit system, and so eagerly insist that you shall not be allowed to transact your affairs without using costly counters of gold and silver, though the cheaper material of paper, or the invisible medium of well-founded credit and confidence may suit your purposes much better? Have they discovered that to confiscate credit would be as unprofitable as to kill the nightingale for his voice? Like the fox in the fable, would they wile you down from your airy perch, where their clumsy limbs cannot reach you? Would they have you put all your wealth in a tangible form, where it might, at any moment, be made the prey of lawless violence, or legalized plunder? Of one thing, gentlemen, I can hardly entertain a doubt—that, were all the capital that sustains the vast commercial enterprise of Great Britain, assembled together in bodily presence, and in the alluring form of gold and silver, the whole military force of the kingdom would be insufficient to protect it from rapine. But commerce, left to herself, and pursuing her own maxims, without a view to any such danger, has incidentally created for herself a better safeguard than any human power could supply.

Gentlemen—To understand this grand system, thus instrumental to your own prosperity, and to the security of the community, is one of your highest duties. Nor is it less your duty and your interest to vindicate it from misconstruction, and to expound it, in all its beauty and usefulness, to those whose co-operation and support you may need. To this end you should be prepared alike to expose the wickedness of those who would break down the system, and the folly, which, mistaking its principles, would pervert and dishonour it. Founded on *prudence*, how can it prosper, when administered with inconsiderate rashness? Founded on *integrity*, how can it prosper in the hands of those,

whose conduct shows that they are eager to enter into engagements, without stopping to calculate their means of fulfilling them? Its greatest danger arises from the error into which the public is led by the miscarriages of such blunders. Spurn from you the shallow schemer, who would build a paltry card-house of paper credits, not founded on *prudence*, *integrity*, and *faith inviolable*, and you will have less to fear from the wretch who would destroy credit, by sapping the foundations of public faith and private morality. It is to you, gentlemen, that they who rule the destinies of our country, must look for information on this important subject, and to qualify yourselves to impart this information, is a duty which you owe not less to your country than to yourselves.

In comparison with these considerations, how disgusting and hateful is that view of mercantile skill, in which it is regarded as the art of getting rich at the expense of others, and in which the merchant's profit is considered as the exact measure of the loss sustained by those who have the misfortune to deal with him! Is this a true account of the matter? You would blush to own any man as a member of your honourable profession, who did not indignantly reject it as false and calumnious. You find your defence against the aspersion in your own just consciousness, that, by imparting the benefit of your knowledge, not only to him to whom you sell, but to him of whom you buy, and to all with whom you have to do, you give a fair equivalent for your gains.

Yet this vindication of the honour of your profession dwindles into insignificance, in comparison with the high function it performs as the guardian and regulator of credit and exchanges, the nurse of public and common prosperity, and the sage and experienced adviser of the financier and statesman.

But most of all has commerce reason to lift her head, and claim the gratitude and applause of the world, when she goes on her sacred mission, as the minister and apostle of the living God, to carry the arts of civilization, the blessings of enlarged and comprehen-

sive morality, and the light of christian truth, into lands before the abode of pagan darkness and barbarism. Yes, gentlemen, commerce *is* the angel of the Apocalypse, which the inspired apostle saw "fly in the midst of heaven, having the everlasting gospel to preach to them that dwell on the earth, and to every kindred, and nation, and tongue, and people." This, above all other considerations, calls the merchant to the pursuit of knowledge—to the cultivation of his mind—to the development of all his powers, moral and intellectual. Qualified for this important duty, commerce may wing her way over every sea; and the blessing of God shall fill her sails; and she shall bring home treasures from every land, and "lay up gold as dust, and the gold of Ophir as the stones of the brook."

LECTURE XXI.

LIBERAL AND STRICT CONSTRUCTIONS OF THE FEDERAL CONSTITUTION.

A Brief Enquiry into the true nature and character of our Federal Government: being a Review of Judge Story's Commentaries on the Constitution of the United States.

"Let me write a people's songs, and he who will may write their laws." The sagacity of this saying cannot be too much applauded. Before the discovery of the printing press, the only access to the minds of any people was through their ears. In those days, the *orator* was omnipotent; or, if his power admitted a rival, that rival was the *minstrel*. The arts of rhetoric, the graces of poesy, and the charms of music, were alike resorted to, as means of chaining attention, engaging sympathy, and enlisting the passions of the multitude. When the Spartans asked a general of the Athenians, the latter

sent them, in derision, a lame old poet. He knew nothing of the art of war, but the spirit of the soldier was in his breast; and he breathed it into his burning lines, and infused it into the hearts of the Spartans; and roused them, by the memory of their old renown, to rival the deeds of their fathers, and to render the name of Sparta more glorious than it had ever been.

The press has lent its aid to diffuse the influence, and perpetuate the fame of the orator and poet; but it has, at the same time, become the rival of both. No man can be an orator or a poet, who is not born so; and the rare and marvellous endowments necessary to the constitution of either character, gave, to those who possessed them, a divided empire over the minds of men. This monopoly of intercourse with the public mind they no longer enjoy; and now, thanks to the press, it may be successfully approached by the sober moralist, the stern jurist, and the homely utilitarian, through an avenue open alike to all.

Yet the essential wisdom of the adage quoted above is not even now to be questioned. The same idea may be expressed in other words, with equal truth, at this day. What is that idea? That he who commands the avenues, through which alone the minds of a people may be reached, exercises over them a power greater than that of the mere written law. In this reading age, that avenue is the press; and it is as true at this day, as that adage ever was, that "he who writes a people's books, need not care who makes their laws."

Of the truth of this, the history of the constitution and government of the United States affords a remarkable and interesting proof. Every one versed in political science perfectly understands why it is that the business of authorship in the United States has heretofore been left to northern writers. But whatever be the cause, such has been the fact, and the consequences have been such as might have been anticipated. Books, intended to form the minds, the habits, and the manners of the rising generation, are put into the hands of our children; and, in these, we look in vain for any lessons adapted to such of our institutions, and the re-

lations growing out of them, as are peculiar to ourselves. There is nothing, for example, in any other society, analogous to the relation between the white child and his negro nurse, or that between the half-grown boy and the grey-headed family servant. Yet, from these it is that we imbibe some of our best, as well as earliest lessons of feeling and of manners; and these lessons it should be, in part, the office of the school-book to enforce and ratify. On this point, however, all we have are silent; or, if they speak, it is in profound ignorance of the subject. All connected with it that the boy finds in books is at variance with his experience; and this contrariety of influences produces confusion in his mind, caprice in his feelings, and inconsistency in his conduct. We are persuaded, that a book made up of authentic anecdotes of the incidents of the Virginia nursery, and the adventures of my young master, in the servants' hall, and the stable yard, would be one of the most amusing and instructive that could be compiled. What a theme for the candid mind of Mrs. Sigourney, if she could trace the history of one day, in the life of the little urchin, from the moment he opens his eyes, and springs, kicking and chuckling, to his nurse's arms, to that, when he cons over to her his evening prayer; and, patting her face with his little hands, sinks to sleep on her bosom. Her sleepless vigilance to guard him from fault or hurt, the ready address with which she soothes his petty griefs, and calms his petulance, and subdues his waywardness, all these are beautiful; and the heart must be obdurate, indeed, which is not made better by witnessing them. We may be asked, wherein does this case differ from that of any other nurse? and the answer is found in the complicated relation of the nurse to the family of her little charge. His father bears a sort of paternal relation to herself; the elder brothers and sisters had formerly been her pets, as he now is; she feels a mother's interest in all of them; and they, together with her own children, form, for her, one family; while the master and mistress are the common parents of all. And this relation is not a thing of a day. It has come

down from generation to generation, and gains strength in every transmission. We repeat that it is an *hiatus valde deflendus* that in all our school-books there is nothing to cherish and perpetuate the holy affections engendered in this relation; and thus to check the growth of pride, arrogance and selfishness, by keeping alive this sympathy between the highest and the lowest.

When the boy advances towards manhood, and begins to study the political institutions of his country, he experiences, without perceiving it, a similar want. The books in which he must study them are all composed by writers from a section of the Union where all men, in every occupation and in every gradation of society, are aware of a common interest, to establish a reading of the constitution highly favourable to their purposes, and, for the same reason, and, in a more than equal degree, injurious to ours. If our views of that instrument are not altogether erroneous, its framers believed that, in a country so extensive as this, comprehending such a variety of soil, and climate, and natural advantages and disadvantages, and embracing people so different in manners, habits, pursuits, occupations, sentiments and principles of ordinary action, (and, indeed, in every thing but language,) there must be great danger in establishing a common legislature, with any but *very limited powers.* It could not happen that, in process of time, a numerical majority on one side of a geographical line would fail to find, or to create, some interest peculiar to their own section, and capable of being advanced by partial legislation; and that, sooner or later, they would yield to temptation, and adapt their laws to the advancement of this predominating interest. This proposition, so true in the abstract, and so obvious to all thinking men, could hardly have escaped the observation of an assembly of profound statesmen. But, in the particular case, this was absolutely impossible; for, near the centre of the Union, a line of demarcation was already traced between two interests, which, by their clashing, actually disturbed the harmony, and threatened to defeat the labours, of the convention itself. The journal of that body testifies of the struggle between

them, and of the endeavour of each to fix such a basis of representation, as should cast the greater weight on its own side of this great fulcrum, on which the lever of power was to work. The part of wisdom was to deny this preponderance to either party; and all at length concurred in an honest endeavour to do this. But the necessity for this precaution must have admonished them of the danger of entrusting very extensive power of legislation to be exercised by either party, to the prejudice of the other, whenever, in the progress of events, the balance thus carefully adjusted might be disturbed. The precise nature of the interest which the prevailing section would endeavour to advance was not foreseen; but it might have been clearly foreseen, that some interest would be found, or created, on purpose to be fostered, which would grow by fostering, until it would predominate over every other.

It was in exact accordance with this idea, that they who thought they could foresee that the balance of power would be on their side, and, consequently, that the government about to be established would be an instrument in their hands, would desire to give ample power to that government; and that, in this, they would be opposed by those who expected to belong to the weaker section. From the nature of the case, the former were more numerous, and their number was increased by a few men of brilliant endowments and soaring ambition, who, expecting to act a conspicuous part in the new system, were by no means disposed to limit its efficiency, or to dim its splendour. There is little doubt, therefore, that in the convention that framed the constitution there was a majority inclined to a form of government more imposing and more powerful than that which they recommended to the people. For the same reason, there can be little doubt that, had the fate of the constitution depended on the convention, such a one would have been adopted; and had its fate depended on a numerical majority of *all* the people of *all* the states, *taken collectively*, such a one would have been *recommended* and *adopted*. But the instrument was to be subjected to a far different ordeal. It required the ap-

probation of no less than nine of the thirteen states, each *acting for itself*, and it was clearly seen that, though a constitution conferring very large powers on the new government would be very acceptable to the majority by whom its powers were to be wielded, it would never be adopted by nine states, some of which must, from the nature of the case, form a part of the minority. Hence, in the whole history of the transaction, we see the debate often turning, not on the question, "what is best?" but on the other question, "what will meet the approbation of those whose approbation is indispensable?"

The considerations alluded to above have influenced in all the discussions of the constitution, which have since arisen. A short experiment showed, incontestably, that in all struggles between northern and southern interests, taking as the boundary of each the line between the slave-holding states and the rest, the northern interest must inevitably preponderate. Hence it has happened, that hardly a question of constitutional power has been mooted for debate, on which the disputants have not arrayed themselves geographically; the statesmen of the north uniformly affirming, and those of the south, with almost equal unanimity, denying to congress the power in question. The former, fully aware of their prevailing influence in that body, saw plainly, that it would be in their power to advance or depress, at pleasure, any interest which they could bring within the scope of federal legislation. Hence a prevailing desire among them to extend the powers of the central government as far, and to as many objects, as possible. To this end, they uniformly contended for the largest and most liberal construction of the terms in which every grant of power is couched. But the specific enactments of the constitution are so few, that they saw that they must fall short of their aim, unless they could establish some principle authorizing a rule of construction, which might justify the assumption of powers not named, or even hinted at in that instrument. To this, too, their adversaries were strenuously opposed; and it is precisely here that we are to find the

line of difference between the two great parties, which have always divided, and still divide, the union. They have, at different times during the struggle, been distinguished by different denominations; the prevailing party always choosing its own, and fixing on the other any invidious or reproachful appellation it could invent. The most intelligible designation would have been, to call one the *central*, and the other the *anti-central* party. Believing that we can be best understood by using these names, we propose to use them here.

It may be an amusing, and not an unprofitable digression, to note some of the changes of this political nomenclature. The central party no sooner found itself in the ascendant, than it assumed the then popular name of federal, denouncing its adversary as the anti-federal party. The latter, all the time, complained that they were wronged in this. They said that their adversaries desired *consolidation*, while they wished to establish a *league*, (*fœdus*,) and were, therefore, the only true *federalists*. But they protested in vain. Their opponents insisted that the constitution established by them was a *true league*, and the *only practicable* league, and that they, who had opposed its adoption, were *disunionists*, opposed to *any league;* and, therefore, *anti*-federalists; and so the name stuck to them.

By-and-by, the anti-central party acquired so much popular favour, as to be allowed to take a name of its own choosing; whereupon it called itself the republican party. In the political revolution of 1801 they gained the ascendency, and might, in turn, have fixed on their adversaries any nick-name they pleased. But they saw that the abuses of power, by the administration of the elder Adams, had rendered odious the name, (however popular at first,) by which his party had been known; and, therefore, instead of stripping them of the soiled and tattered name of federalist, which was their own by rights, they pinned it upon them, and forced them to wear it, in disgrace and degradation. Since then, it has been a term of reproach, used by all parties as dirt to pelt their adversaries with.

It is not easy for men to continue long in the belief, that powers administered *by themselves* are excessive. It is an old saying, that "whigs, out of place, are tories in power." It is equally true, and for a much stronger reason, that "anti-centralists, out of place, become, sooner or later, centralists, in power." Hence, it was quite in the order of cause and consequence, that Chancellor Kent, writing in 1825, should find occasion to say, that, "since 1812, the progress of public opinion had been in favour of a pretty liberal and enlarged construction of the Constitution of the United States." The reader hardly needs to be reminded, that, during these twelve years, public opinion acknowledged the almost absolute sway of presidents Madison and Monroe, who claimed to be, and were acknowledged to be, the legitimate successors of the *principles*, as well as the power, of Mr. Jefferson.

It followed, as a matter of course, that, when the self-called republican party thus adopted the leading maxims of centralism, an opportunity was afforded to the old central party to denude itself of the odious denomination of federalism. The cloak of republicanism was spread out so widely as to afford them a covering. They took shelter under it; and they were all republicans together; while John Randolph, and a few more old anti-centralists, who refused to be embraced in this new confraternity, were stigmatized as a sort of *tertium quid*, to which no appropriate designation could be applied; though, sometimes, the dishonoured name of federalist was thrown at them, as the dirtiest thing that came to hand.

All the rest bundled together, heads and points, very cozily. But there were some among them who, though unwilling to quit the party, and expose themselves all thin and naked to the merciless peltings that awaited them, still retained a sort of hankering after some of the old states' rights notions of anti-centralism. The genuine centralists, aware of this, and finding themselves strong enough to do without the others, determined to shake them off. They therefore took to them-

selves, along with the name of republican, which was common to them all, the prefix "national."*

Under this denomination, Mr. J. Q. Adams came into office; but no sooner was he installed, than either his folly, or his frankness, prompted him to call upon all the world to note the perfect identity between this national republicanism and the old-fashioned federalism. It is certainly true, that both these denominations were but other names for centralism; and the fact, then distinctly stated, was recognised by every one as true.

Now it so happened that Mr. Adams came into power under a certain form of the constitution, which, being devised to provide for the case of an election in which a majority of votes is not declared in favour of any one candidate, necessarily places in the presidential chair one who, not having a majority in his favour, had of course a majority against him. Such a result, happen when it may, will always be reckoned a sort of outrage on the rights of the majority; and all the friends of the defeated candidates will be ready to avenge it, by rallying to the support of the most *available* leader among them. So it happened in this case: and as Mr. Adams had openly hoisted the banner of *centralism*, the two parts in three of the people who opposed him were driven, by a sort of *polarity*, which prevails in politics, as well as in magnetism and electricity, into the opposite extreme of anti-centralism. Hence we heard suddenly, of nothing but states' rights; John Taylor's resolutions, and Madison's report, and other catechisms of the states' right church were hunted up, and reprinted, and men with gray beards put on their spectacles, and diligently applied themselves to the study of the horn-book of a political school to which they had always

* This is the most appropriate designation ever borne by the central party. They are republicans; we are all so; but the word "national" was happily chosen to express, as inoffensively as possible, the peculiar views of the consolidationists. It is worthy of remark, by the way, that neither the word nation, nor any of its synonymes or derivatives appears in the constitution; and that a proposition to declare the people of the United States a "body politic," or nation, was lost. The word "national," therefore, is not a constitutional word.

professed to belong. The consequence of this was, that Gen. Jackson came into power, under the states' rights or anti-central banner; and men, who did not look below the surface, saw, with astonishment, that principles which had been forgotten, or scouted, for twenty-five years, were suddenly proclaimed as worthy of all acceptation. Then it was that the ostracism of John Randolph, who had always openly maintained these principles, was repealed; he was received as a prophet and leader among the successful party; and his name was joined, in the *Io triumphe* of victory, with that of the great Mokannah himself.

Now no man in the United States was more deeply imbued with the spirit of centralism than Andrew Jackson; and he found such pleasure in wielding all the just authority of his office, and he could have found so much greater pleasure in wielding ten times more, that this pleasant experience fully convinced him that all his early impressions had been certainly right; and that all attempts to curb the power of the general government, and to uphold the dignity of the states, were heretical, treasonable, damnable.

General Jackson's second election to the presidency was the signal for the annunciation of these views; and we accordingly find them bodly avowed, in his celebrated proclamation of December 10, 1832, against South Carolina. Along with this proclamation came a new change in the nomenclature of parties. The triumphant re-election of General Jackson, by an immense majority, gave him a right to consider himself as the organ and exponent of *numbers as such*, and fully authorized to put forth his own sentiments, upon every subject, as the opinion of numbers. Hence he proclaimed himself the head of a *democratic* party; and, as the political creed, which he put forth as that of his party, was the creed of the highest church of *centralism*, centralism took a new name, and became *democracy*. The party, at first, embraced all descriptions of centralism. But it was soon found to be too numerous. The trouble of bluffing off those for whom there was no room at the "treasury-trough" was too great, and

means were devised to get rid of them. This was done by offending them by the removal of the deposites, one motive to which, if we are to believe one who had a right to know, was to cut down the eleemosynary establishment of the executive to a size better adapted to the extent of its patronage, and to destroy the hopes of certain aspirants. By this means, a small section of the central party was turned out of its own church. They were told, that there was no room for them, under the embroidered folds of this new cloak of democracy, and that the old tattered rag of federalism was good enough for them. They soon found that they were not numerous enough to do any thing effectual by themselves; and hence they were driven, for the nonce, to seek the alliance, against the party in power, of their old enemy, *anti-centralism*. This alliance afforded the democratic centralism a pretext for endeavouring to fix the name of federalism on an opposition embracing every variety of opinion on the subject to which that name refers. It is remarkable, too, that centralism, under its new form, showed itself so dangerous, manifested such capacities for mischief, not before suspected, that many, who had joined the ranks of opposition, *as centralists*, became heartily convinced of their error, and honestly and earnestly abjured centralism, as a fatal heresy. The consequence was, that the central portion of the alliance dwindled away, and the opposition was finally and successfully conducted on *anti-central* principles. Yet, inasmuch as a portion of the federal party had been driven into the ranks of the opposition, this was taken by the advocates of Mr. Van Buren as a sufficient excuse for denouncing the whole opposition as federalists.

One word more on the subject of party nomenclature. Next after that of *national republican*, the name of *democracy* is perhaps the most appropriate, certainly the most dangerous, that centralism ever has assumed. The *cardinal maxim* of this *ultra-democracy* so nearly resembles the *cardinal maxim of centralism*, that the two may easily be confounded. Democracy claims, for a majority of the people, a right to do what they

please, regardless of the constitution, and of the *covenanted rights* of minorities, for whose benefit and protection constitutions were devised. The same right is claimed by centralism for the *representatives* of a majority of the people *in congress*, regardless of the constitution, and regardless of the covenanted rights of minorities, and especially of the rights of the states, asserted on behalf of any local minority, though it may happen to embrace the total population of an aggrieved state. Between these two things the multitude cannot be expected to distinguish; and hence the *unpopularity* of nullification, in which the million saw nothing but an audacious attempt at defiance to the sovereign will of a majority.

While all these various changes were going on, the book-makers of the north were busy in preparing works for propagating, through the minds of the rising generation, and especially through the legal profession, principles of constitutional law suited to the views of centralism. We have even seen a northern school-book, intended for the use of young gentlemen of the ripe age of ten years, in which they are taught by rote, that "Congress has power to provide for the common defence and general welfare."* This summary decision of a disputed point in constitutional law is foisted into a work intended for children, and stands alone amidst a statement of such facts as that "the chief magistrate of the United States is called the president." The result is, that though the children of such prudent parents as prefer to have them instructed by the demure precisians who, from the north, throng the country, as candidates for employment as teachers, grow up to the age at which they should begin to study the institutions of their country, with minds pre-occupied with the idea that the United States differ in nothing but the elective

* This work bears the popular name of Peter Parley. In his last work Mr. Goodrich complains that others had made an unauthorized use of his *nom de guerre*. We have a high respect for him, and hope that this political fraud was the work of one of these knaves.

principle, from the consolidated kingdoms and empires of Europe.

When we attempt to eradicate this fatal error, we again encounter the high authority of Chancellor Kent, who, in 1825, hailing the accession of Mr. J. Q. Adams as an event highly favourable to the successful promulgation of central doctrines, put forth his lectures on the constitution, in which he places them on a basis from which they never can be shaken, unless the basis itself be removed. The coincidence, in point of time, between this grave work, and Mr. Adams' sneer at all those, who could think our forefathers "so ineffably stupid," as to intend to restrain congress from doing whatsoever congress might think advisable, is worthy of observation.

The fundamental principle, which the chancellor takes as the basis of his whole system, is an historical proposition, which, strangely enough, seems to have escaped the attention of the historians themselves. It is this: "that the association of the American people, into one body politic, took place, while they were colonies of the British empire, and owed allegiance to the British crown!"

This proposition is not supported by reference to any authority in proof of it, as a distinct and substantive fact, nor by any argument, deducing it, as a consequence, from other known and acknowledged facts. Like the *tirade* in Mr. Adams' inaugural, it seems to be thrown out as a feeler. The established character of Chancellor Kent as a jurist, and the popular style of a work, which seemed to make the dry and severe study of the law easy and familiar to every body, gave to this *dictum* extensive circulation and high authority; and the error thus inculcated was left to eat its way into the minds of men, for the next eight years.

At the end of that time, General Jackson found occasion to avail himself of this dogma, put forth for the benefit of his predecessor and rival. He accordingly adopted it, and engrafted it, nearly in the same words, in his celebrated proclamation. The poison, which had been so long working in secret on the vitals of the

constitution, now forced itself on the attention of southern statesmen, by this sudden breaking out into the active politics of the day. It was attacked and exposed by several of them, in writings which deserved a more enduring existence, than the columns of a newspaper could secure.* But, in the excitement of the day, these were coldly received, even by some of those who, on this point, fully agreed with the writers.

But, at the same time, another work of an opposite character made its appearance in a different form, and under much more favourable auspices. The proposition, which had been put forth, naked and unsupported, by Chancellor Kent, in 1825, Judge Story had made it his business, in the mean time, to expand and enforce, in his lectures as Dane Professor in Harvard University. The appearance of the proclamation was the signal for the publication of these lectures, which came out immediatety after. They were understood to be in the press, at the time of Mr. Webster's famous speech on the proclamation; and some did not scruple to say, at the time, that whenever that work should appear, it would be found to contain the substance of that speech. It would not indeed be difficult to trace a political connection, from Judge Story, to some of those who were about the president at that time, and by whom the proclamation was concocted, which might justify a suspicion, that the Judge had something to do in working the fingers, that held the pen, on that occasion. It was indeed a joyous day for centralism; a day of triumph to some of those, who had carried the doctrines of that school so far, as to separate themselves from the great body of the party; so that acknowledged talents of the highest order, and unquestioned integrity and virtue, had failed to secure to them such support, from any party, as might bring their merits before the public eye. To those who knew their worth, they seemed to be men of unambitious virtue, self-doomed

* A series of essays by Mr. Tazewell, under the signature of "A Virginian," and another by Judge Upshur, under that of "Locke," deserved to be rescued from the common fate of newspaper essays.

to privacy and obscurity. The avidity, with which they have since accepted office, shows that this was a mistake, and drives us back on the conclusion, that they had never been brought forward before, because *their* centralism was of a higher grade, than any *party*, *before* 1832, had dared to avow.

Judge Story, like Chancellor Kent, adopts, as the basis of his whole theory of constitutional law, the same supposed fact, "that the association of the American people, into one body politic, took place, while they were colonies of the British empire, and owed allegiance to the British crown."

If this were so, it follows, from the nature of a body politic, that the federative form of our system is not the result of a pre-existing fact, but a gratuitous device of the sovereign will of the body politic itself, moulding and disposing its parts according to its own pleasure. The states are not (as the framers of the articles of confederation seem to have supposed) bodies originally possessing, and still, *under those articles*, "*retaining sovereignty* and *independence*." They sink at once to the level of mere *municipal divisions* of the *incorporated whole*, carried out by the will and pleasure of the whole, and liable, at any moment, to be obliterated and absorbed by it. One consequence of this would be, that the abolition of the constitution would abolish the boundaries of these municipalities, and produce, not a dissolution of the union, but a consolidation of all the states, into one empire, a numerical majority of which, according to the Virginia bill of rights, would have "an indubitable, unalienable, and indefeasible right," to impose on the minority any form of government they might prefer.*

But, without anticipating these remote, and improbable, though by no means impossible, consequences of this doctrine, it is manifest, that it completely abrogates and reverses all those rules of construction deduced by our southern statesmen from the federative character of our institutions. It thus supplies the great *de-*

* Declaration of Rights, S. 3.

sideratum of centralism: a foundation for all the arguments in favour of *implied, constructive, and discretionary* powers, which would be admissible in the interpretation of a *state constitution.*

Here then is the place "where the wild fig-trees join the wall of Troy;" and here it is that all who would defend the palladium of states' rights must meet the enemy.

Alas! for John Randolph! could his shade appear among us:—

> "Quantum mutatus ab illo
> Hectore qui redit, exuvias indutus Achillis
> Vel Danaum Phrygios jaculatus puppibus ignes,"

What would he say, what could he say but this—

> "Hostis habet muros: ruit alto a culmine Troja."
> "Si Pergama dextra
> Defendi possent, etiam hac defensa fuissent."

It is too true. But it is never too late to perish in a good cause; and they who survive must fight to the last. There is no Latium for us to fly to.*

It is in this spirit, that our author has drawn his pen against this formidable writer. We have introduced him at this length, because we wished to impress our readers with the importance of the task he has undertaken, before we call their attention to the ability with which he has executed it. Henceforth he shall speak for himself.

* We would not be understood to allude here to the result of the late struggle as a triumph of centralism. On the contrary, we hope the best from it. Our fear is, that the spirit of centralism has entered so deeply into the minds of the people, that the opposite principle is, for the reason already hinted at, so apt to be unpopular, and that the states have been so degraded, that any attempt, on the part of the administration, to reinstate them in their dignity and sovereign rights, may fail to receive the support of *the multitude.*

The result showed that the representatives of this multitude were prepared to prevent the president, elected under such circumstances, from carrying on the government at all, unless he would agree to carry it on, on central principles.

The point in controversy is thus stated:

"It appears to be a favourite object with the author to impress upon the mind of the reader, at the very commencement of his work, the idea that the people of the several colonies were, as to some objects, which he has not explained, and to some extent, which he has not defined, 'one people.' This is not only plainly inferable from the general scope of the book, but is expressly asserted in the following passage: 'But although the colonies were independent of each other in respect to their domestic concerns, they were not wholly alien to each other. On the contrary, they were fellow subjects, and for many purposes one people. Every colonist had a right to inhabit, if he pleased, in any other colony, and as a British subject he was capable of inheriting lands by descent in every other colony. The commercial intercourse of the colonies, too, was regulated by the general laws of the British empire, and could not be restrained or obstructed by colonial legislation. The remarks of Mr. Chief Justice Jay are equally just and striking: "All the people of this country were then subjects of the king of Great Britain, and owed allegiance to him, and all the civil authority then existing or exercised here flowed from the head of the British empire. They were in a strict sense *fellow subjects*, and in a variety of respects *one people*. When the revolution commenced, the patriots did not assert that only the same affinity and social connection subsisted between the people of the colonies which subsists between the people of Gaul, Britain and Spain, while Roman provinces, to wit: only that affinity and social connection which results from the mere circumstance of being governed by the same prince."'"

After some remarks on the vague phraseology of this passage, the author goes on.

"It is to be regretted that the author has not given us his own views of the sources from which these several rights and powers were derived. If they authorize his conclusion, that there was any sort of unity among the people of the several colonies, distinct from their common connection with the mother country, as parts of the same empire, it must be because they flowed

from something in the relation betwixt the colonies themselves, and not from their common relation to the parent country. Nor is it enough that these rights and powers should, *in point of fact*, flow from the relation of the colonies to one another; they must be the *necessary result of their political condition*. Even admitting, then, that they would, under any state of circumstances, warrant the conclusion which the author has drawn from them, it does not follow that the conclusion is correctly drawn in the present instance. For aught that he has said to the contrary, the right of every colonist to inhabit and inherit lands in every colony, whether his own or not, may have been derived from positive compact and agreement among the colonies themselves; and this presupposes that they were distinct and separate, and not 'one people.' And, so far as the rights of the mother country are concerned, they existed in the same form, and not to the same extent, over every other colony of the empire. Did this make the people of *all* the colonies 'one people?' If so, the people of Jamaica, the British East Indian possessions and the Canadas are, for the very same reason, 'one people' at this day. If a common allegiance to a common sovereign, and a common subordination to his jurisdiction, are sufficient to make the people of different countries 'one people,' it is not perceived (with all deference to Mr. Chief Justice Jay) why the people of Gaul, Britain and Spain might not have been 'one people,' while Roman provinces, notwithstanding 'the patriots' did not say so. The *general* relation between colonies and the parent country is as well settled and understood as any other, and it is precisely the same in all cases, except where special consent and agreement may vary it. Whoever, therefore, would prove that any peculiar *unity* existed between the American colonies, is bound to show something in their charters, or some peculiarity in their condition, to exempt them from the general rule. Judge Story was too well acquainted with the state of the facts to make any such attempt in the present case. The congress of the nine colonies, which assembled at New York, in October, 1765, declare that

the colonists 'owe the same allegiance to the crown of Great Britain, that is owing from his subjects born within the realm, and all due subordination to that august body, the parliament of Great Britain.' 'That the colonists are entitled to all the inherent rights and liberties of his [the king's] natural born subjects within the kingdom of Great Britain.' We have here an all-sufficient foundation of the right of the crown to regulate commerce among the colonies, and of the right of the colonists to inhabit and to inherit land in each and all the colonies. They were nothing more than the ordinary rights and liabilities of every British subject; and, indeed, the most that the colonies ever contended for was an equality, in these respects, with the subjects born in England. The facts, therefore, upon which our author's reasoning is founded, spring from a different source from that from which he is compelled to derive them, in order to support his conclusion.

"So far as the author's argument is concerned, the subject might be permitted to rest here. Indeed, one would be tempted to think, from the apparent carelessness and indifference with which the argument is urged, that he himself did not attach to it any particular importance. It is not his habit to dismiss grave matters with such slight examination, nor does it consist with the character of his mind to be satisfied with reasoning which bears even a doubtful relation to his subject. Neither can it be supposed that he would be willing to rely on the simple *ipse dixit* of Chief Justice Jay, unsupported by argument, unsustained by any references to historical facts, and wholly indefinite in extent and bearing. Why, then, was this passage written? As mere history, apart from its bearing on the constitution of the United States, it is of no value in this work, and is wholly out of place. All doubts upon this point will be removed in the progress of this examination. The great effort of the author, throughout his entire work, is to establish the doctrine, that the constitution of the United States is a government of 'the people of the United States,' as contradistinguished from the people of the several states; or, in other words, that it

is a consolidated, and not a federative system. His construction of every contested federal power depends mainly upon this distinction; and hence the necessity of establishing a *one-ness* among the people of the several colonies, prior to the revolution. It may well excite our surprise, that a proposition so necessary to the principal design of the work, should be stated with so little precision, and dismissed with so little effort to sustain it by argument. One so well informed as Judge Story, of the state of political opinions in this country, could scarcely have supposed that it would be received as an admitted truth, requiring no examination. It enters too deeply into grave questions of constitutional law, to be so summarily disposed of. We should not be content, therefore, with simply proving, that the author has assigned no sufficient reason for the opinion he has advanced. The subject demands of us the still farther proof that his opinion is, in fact, erroneous, and that it cannot be sustained by any *other* reasons.

"In order to constitute 'one people,' in a political sense, of the inhabitants of different countries, something more is necessary than that they should owe a common allegiance to a common sovereign. Neither is it sufficient that, in some particulars, they are bound alike, by laws which that sovereign may prescribe; nor does the question depend on geographical relations. The inhabitants of different islands may be one people, and those of contiguous countries may be, as we know they in fact are, different nations. By the term 'people,' as here used, we do not mean merely a number of persons. We mean by it a political corporation, the members of which owe a common allegiance to a common sovereignty, and do not owe any allegiance which is *not* common; who are bound by no laws except such as that sovereignty may prescribe; who owe to one another reciprocal obligations; who possess common political interests; who are liable to common political duties; and who can exert no sovereign power except in the name of the whole. Any thing short of this would be an imperfect definition of that political corporation which we call 'a people.'

"Tested by this definition, the people of the American colonies were, in no conceivable sense, 'one people.' They owed, indeed, allegiance to the British king, as the head of each colonial government, and as forming a part thereof; but this allegiance was exclusive, in each colony, to its own government, and, consequently, to the king as the head thereof, and was not a common allegiance of the people of all the colonies, to a common head.* These colonial governments were clothed with the sovereign power of making laws, and of enforcing obedience to them, from their own people. The people of one colony owed no allegiance to the government of any other colony, and were not bound by its laws. The colonies had no common legislature, no common treasury, no common military power, no common judicatory. The people of one colony were not liable to pay taxes to any other colony, nor to bear arms in its defence; they had no right to vote in its elections; no influence nor control in its municipal government, no interest in its municipal institutions. There was no prescribed form by which the colonies could act together for any purpose whatever; they were not known as 'one people' in any one function of government. Although they were all, alike, dependencies of the British crown, yet, even in the action of the parent country, in regard to them, they were recognised as separate and distinct. They were established at different times, and each under an authority from the crown, which applied to itself alone. They were not even alike in their organization. Some were provincial, some proprietary, and some charter governments. Each derived its form of government from the particular instrument establishing it, or from assumptions of power acquiesced in by the crown, without any connection with, or relation to, any other. They stood upon the same footing, in every respect, with other British colo-

* The resolutions of Virginia, in 1796, show that she considered herself merely as an appendage of the British crown; that *her* legislature was alone authorized to tax her; and that she had a right to call on *her* king, who was also king of England, to protect her against the usurpations of the British parliament.

nies, with nothing to distinguish their relation either to the parent country or to one another. The charter of any one of them might have been destroyed, without in any manner affecting the rest. In point of fact, the charters of nearly all of them were altered, from time to time, and the whole character of their governments changed. These changes were made in each colony for itself alone, sometimes by its own action, sometimes by the power and authority of the crown; but never by the joint agency of any other colony, and never with reference to the wishes or demands of any other colony. Thus they were separate and distinct in their creation; separate and distinct in the forms of their governments; separate and distinct in the changes and modifications of their governments, which were made from time to time; separate and distinct in political functions, in political rights, and in political duties." pp. 12—16.

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"In farther illustration of this point, let us suppose that some one of the colonies had refused to unite in the declaration of independence; what relation would it then have held to the others? Not having disclaimed its allegiance to the British crown, it would still have continued to be a British colony, subject to the authority of the parent country, in all respects as before. Could the other colonies have compelled it to unite with them in their revolutionary purposes, on the ground that it was part and parcel of the 'one people,' known as the people of the colonies? No such right was ever claimed, or dreamed of, and it will scarcely be contended for now, in the face of the known history of the time. Such recusant colony would have stood precisely as did the Canadas, and every other part of the British empire. The colonies, which had declared war, would have considered its people as enemies, but would not have had a right to treat them as traitors, or as disobedient citizens, resisting their authority. To what purpose, then, were the people of the colonies 'one people,' if, in a case so important to the common welfare, there was no right in all the people together, to coerce the members of

their own community to the performance of a common duty?

"It is thus apparent that the people of the colonies were not 'one people,' as to any purpose involving allegiance on the one hand, or protection on the other. What, then, I again ask, are the 'many purposes' to which the author alludes? It is certainly incumbent on him who asserts this identity against the inferences most naturally deducible from the historical facts, to show at what time, by what process, and for what purposes it was effected. He claims too much consideration for his personal authority, when he requires his readers to reject the plain information of history in favour of his bare assertion. The charters of the colonies prove no identity between them, but the reverse; and it has already been shown that this identity is not the necessary result of their common relation to the mother country. By what other means they came to be 'one,' in any intelligible and political sense, it remains for the author to explain.

"If these views of the subject be not convincing, the author himself has furnished proof, in all needful abundance, of the incorrectness of his own conclusion. He tells us that 'though the colonies had a common origin, and owed a common allegiance, and the inhabitants of each were British subjects, they *had no direct political connection with each other.* Each was independent of all the others; each, in a limited sense, was sovereign within its own territory. There was neither alliance nor confederacy between them. The assembly of one province could not make laws for another, nor confer privileges which were to be enjoyed or exercised in another, farther than they could be in any independent foreign state. As colonies, they were also excluded from all connection with foreign states. They were known only as dependencies, and they followed the fate of the parent country, both in peace and war, without having assigned to them, in the intercourse or diplomacy of nations, any distinct or independent existence. *They did not possess the power of forming any league or treaty among themselves, which would acquire any obligatory force, without the assent of the parent state.*

And though their mutual wants and necessities often induced them to associate for common purposes of defence, these confederacies were of a casual and temporary nature, and were allowed as an indulgence, rather than as a right. They made several efforts to procure the establishment of some general superintending government over them all; but their own differences of opinion, as well as the jealousy of the crown, made these efforts abortive.'

"The English language affords no terms stronger than those which are here used to convey the idea of separateness, distinctness, and independence among the colonies. No commentary could make the description plainer, or more full and complete. The *unity*, contended for by the author, nowhere appears, but is distinctly disaffirmed in every sentence. The colonies were not only distinct in their creation, and in the powers and faculties of their governments, but there was not even 'an alliance or confederacy between them.' They had no 'general superintending government over them all,' and tried in vain to establish one. Each was 'independent of all the others,' having its own legislature, and without power to confer either right or privilege beyond its own territory. 'Each, in a limited sense, was sovereign within its own territory;' and, to sum up all in a single sentence, 'they had no direct political connection with each other!' The condition of the colonies was, indeed, anomalous, if our author's view of it be correct. They presented the singular spectacle of 'one people,' or political corporation, the members of which had 'no direct political connection with each other,' and who had not the power to form such connection, even 'by league or treaty among themselves.'

"This brief review will, it is believed, be sufficient to convince the reader that our author has greatly mistaken the real condition and relation of the colonies, in supposing that they formed 'one people,' in any sense, or for any purpose whatever. He is entitled to credit, however, for the candour with which he has stated the historical facts. Apart from all other sources of information, his book affords to every reader abundant

materials for the formation of his own opinion, and for enabling him to decide satisfactorily whether the author's inferences from the facts, which he himself has stated, be warranted by them or not."

Judge Story, as if aware that he had not incontestably established his fundamental proposition, (though he does not hint a doubt of the sufficiency of his proofs,) goes into a history of the political action of the states during the revolution; the object of which appears to be, to prove, that if the states *did not* form a body politic, *before* the commencement of that contest, they *became one* in the progress of it. Here, too, our author meets and refutes him.

"In the execution of the second division of his plan, very little was required of the author, either as an historian or as a commentator. Accordingly, he has alluded but slightly to the condition of the colonies during the existence of the revolutionary government, and has sketched with great rapidity, yet sufficiently in detail, the rise, decline and fall of the confederation. Even here, however, he has fallen into some errors, and has ventured to express decisive and important opinions, without due warrant. The desire to make 'the people of the United States' one consolidated nation is so strong and predominant, that it breaks forth, often uncalled for, in every part of his work. He tells us that the first congress of the revolution was 'a general or national government;' that it 'was organized under the auspices and with the consent of *the people*, acting directly in their primary, sovereign capacity, and without the intervention of the functionaries to whom the ordinary powers of government were delegated in the colonies.' He acknowledges that the powers of this congress were but ill-defined; that many of them were exercised by mere usurpation, and were acquiesced in by the people, only from the confidence reposed in the wisdom and patriotism of its members, and because there was no proper opportunity, during the pressure of the war, to raise nice questions of the power of government. And yet he infers, from the exercise of powers thus ill-defined, and, in great part, usurped,

that 'from the moment of the declaration of independence, if not for most purposes at an antecedent period, the united colonies must be considered as being a nation *de facto*, &c.'

"A very slight attention to the history of the times will place this subject in its true light. The colonies complained of oppressions from the mother country, and were anxious to derive some means by which their grievances might be redressed. These grievances were common to all of them; for England made no discrimination between them, in the general course of her colonial policy. Their rights, as British subjects, had never been well defined; and some of the most important of those rights, as asserted by themselves, had been denied by the British crown. As early as 1765, a majority of the colonies had met together in congress, or convention, in New York, for the purpose of deliberating on these grave matters of common concern; and they then made a formal declaration of what they considered their rights, as colonists and British subjects. This measure, however, led to no redress of their grievances. On the contrary, the subsequent measures of the British government gave new and just causes of complaint; so that, in 1774, it was deemed necessary that the colonies should again meet together, in order to consult upon their general condition, and provide for the safety of their common rights. Hence the congress which met at Carpenter's Hall, in Philadelphia, on the 5th of September, 1774. It consisted of delegates from New Hampshire, Massachusetts Bay, Rhode Island, and Providence Plantations, Connecticut, *from the city and county of New York, and other counties in the province of New York*, New Jersey, Pennsylvania, *Newcastle, Kent and Sussex in Delaware*, Maryland, Virginia and South Carolina. North Carolina was not represented until the 14th September, and Georgia not at all. It is also apparent, that New York was not represented *as a colony*, but only through certain portions of her people; in like manner, Lyman Hall was admitted to his seat, in the succeeding congress, as a delegate from the parish of St. John's, in Georgia,

although he declined to vote on any question requiring a majority of *the colonies* to carry it, because he was not the representative of a colony. This congress passed a variety of important resolutions, between September, 1774, and the 22nd October, in the same year; during all which time Georgia was not represented at all; for even the parish of St. John's did not appoint a representative till May 1775. In point of fact, the congress was a *deliberative and advisory* body, and nothing more; and, for this reason, it was not deemed important, or, at least, not *indispensable*, that all the colonies should be represented, since the resolutions of congress had no obligatory force whatever. It was appointed for the sole purpose of taking into consideration the general condition of the colonies, and of devising and recommending proper measures for the security of their rights and interests. For these objects no precise powers and instructions were necessary, and *beyond* them none were given. Neither does it appear that any precise time was assigned for the duration of congress. The duty with which it was charged was extremely simple; and it was taken for granted that it would dissolve itself as soon as that duty should be performed.

"It is perfectly apparent that the mere *appointment* of this congress did not make the people of all the colonies 'one people,' nor 'a nation *de facto*.' All the colonies did not unite in the appointment, neither as colonies nor by any portion of their people acting in their primary assemblies, as has already been shown. The colonies were not independent, and had not even resolved to declare themselves so at any future time. On the contrary, they were extremely desirous to preserve and continue their connection with the parent country, and congress was charged with the duty of devising such measures as would enable them to do so, without involving a surrender of their rights as British subjects. It is equally clear, that the powers with which congress was clothed, did not flow from, nor *constitute* 'one people,' or 'nation *de facto*,' and that that body was not 'a general or national government,'

nor a government of any kind whatever. The existence of such government was absolutely inconsistent with the allegiance which the colonies still acknowledged to the British crown. Our author himself informs us, in a passage already quoted, that they had no power to form such government, nor to enter into 'any league or treaty among themselves.' Indeed, congress did not claim any legislative power whatever, nor could it have done so, consistently with the political relations which the colonies still acknowledged and desired to preserve. Its acts were in the form of *resolutions*, and not in the form of *laws;* it *recommended* to its constituents whatever it believed to be for their advantage, but it *commanded* nothing. Each colony, and the people thereof, were at perfect liberty to act upon such recommendation or not, as they might think proper.

"On the 22nd October, 1774, this congress dissolved itself, having recommended to the several colonies to appoint delegates to another congress, to be held in Philadelphia in the following May. Accordingly delegates were chosen, as they had been chosen to the preceding congress, each colony and the people thereof acting for themselves, and by themselves; and the delegates thus chosen were clothed with substantially the same powers, for precisely the same objects, as in the former congress. Indeed, it could not have been otherwise; for the relations of the colonies were still unchanged, and any measure establishing 'a general or national government,' or uniting the colonies so as to constitute them 'a nation *de facto*,' would have been an act of open rebellion, and would have severed at once all the ties which bound them to the mother country, and which they were still anxious to preserve. New York was represented in this congress precisely as she had been in the former one, that is, by delegates chosen by a part of her people; for the royal party was so strong in that colony, that it would have been impossible to obtain from the legislature an expression of approbation of any measure of resistance to British authority. The accession of Georgia to the general association was not made known till the 20th of July, and

her delegates did not take their seats till the 13th of September. In the mean time congress had proceeded in the discharge of its duties, and some of its most important acts, and among the rest the appointment of a commander-in-chief of their armies, were performed while those two colonies were unrepresented. Its acts, like those of the former congress, were in the form of resolution and recommendation; for as it still held out the hope of reconciliation with the parent country, it did not venture to assume the function of authoritative legislation. It continued to hold this attitude and to act in this mode till the 4th of July, 1776, when it declared that the colonies there represented (including New York, which had acceded after the battle of Lexington,) were, and of right ought to be, free and independent states." pp. 16—25.

"The author's conclusion is not better sustained by the nature and extent of the powers *exercised* by the revolutionary government. It has already been stated, that no original powers of legislation were granted to the congresses of 1774 and 1775; and it is only from their acts that we can determine what powers they actually exercised. The circumstances under which they were called into existence precluded the possibility of any precise limitations of their powers, even if it had been designed to clothe them with the functions of government. The colonies were suffering under common oppressions, and were threatened with common dangers, from the mother country. The great object which they had in view was to produce that concert of action among themselves which would best enable them to resist their common enemy and best secure the safety and liberties of all. Great confidence must necessarily be reposed in public rulers, under circumstances of this sort. We may well suppose, therefore, that the revolutionary government exercised every power which appeared to be necessary for the successful prosecution of the great contest in which they were engaged; and we may, with equal propriety, suppose that neither the people nor the colonial governments felt any disposition to scrutinize very narrowly any measure which pro-

mised protection and safety to themselves. They knew that the government was temporary only; that it was permitted only for a particular and temporary object, and that they could, at any time, recall any and every power which it had assumed. It would be a violent and forced inference, from the powers of such an *agency*, (for it was not a government, although I have sometimes, for convenience, called it so,) however great they might be, to say that the people, or states, which established it, meant thereby to merge their distinctive character, to surrender all the rights and privileges which belonged to them as separate communities, and to consolidate themselves into one nation.

"In point of fact, however, there was nothing in the powers exercised by the revolutionary government, so far as they can be known from their acts, inconsistent with the perfect sovereignty and independence of the states. These were always admitted in *terms*, and were never denied in *practice*. So far as external relations were concerned, congress seems to have exercised every power of a supreme government. They assumed the right to 'declare war and to make peace; to authorize captures; to institute appellate prize courts; to direct and control all national, military and naval operations; to form alliances, and make treaties; to contract debts and issue bills of credit on national account.' These powers were not 'exclusive,' however, as our author supposes. On the contrary, troops were raised, vessels of war were commissioned, and various military operations were conducted by the colonies, on their own separate means and authority. Ticonderoga was taken by the troops of Connecticut, before the declaration of independence; Massachusetts and Connecticut fitted out armed vessels to cruise against those of England, in October, 1775; South Carolina soon followed their example. In 1776, New Hampshire authorized her executive to issue letters of marque and reprisal.

"These instances are selected out of many, as sufficient to show that in the conduct of war congress possessed no 'exclusive' power, and that the colonies (or states) retained, and actually asserted, their own sove-

reign right and power as to that matter. And not as to that matter alone, for New Hampshire established post offices. The words of our author may, indeed, import that the power of congress over the subject of war was exclusive only as to such military and naval operations as he considers national, that is, such as were undertaken by the joint power of all the colonies; and if so, he is correct. But the comma after the word 'national,' suggests a different interpretation. At all events, the facts which I have mentioned prove that congress exercised no power which was considered as abridging the absolute sovereignty and independence of the states.

"Many of those powers which, for greater convenience, were entrusted exclusively to congress, could not be effectually exerted except by the aid of the state authorities. The troops required by congress were raised by the states, and the commissions of their officers were countersigned by the governors of the states. Congress were allowed to issue bills of credit, but they could not make them a legal tender, nor punish the counterfeiter of them. Neither could they bind the states to redeem them, nor raise by their own authority the necessary funds for that purpose. Congress received ambassadors and other public ministers, yet they had no power to extend to them that protection which they receive from the government of every sovereign nation. A man by the name of De Longchamps entered the house of the French minister plenipotentiary in Philadelphia, and there threatened violence to the person of Francis Barbe Marbois, secretary of the French legation, consul general of France, and consul for the state of Pennsylvania; he afterwards assaulted and beat him in the public street. For this offence, he was indicted and tried in *the court of Oyer and Terminer of Philadelphia*, and punished under its sentence. The case turned chiefly upon the law of nations, with reference to the protection which it secures to foreign ministers. A question was made, whether *the authorities of Pennsylvania* should not deliver up De Longchamps to the French government to be dealt with at their pleasure. It does not appear that the federal govern-

ment was considered to possess any power over the subject, or that it was deemed proper to invoke its counsel or authority in any form. This case occurred in 1784, after the adoption of the articles of confederation; but if the powers of the federal government were *less* under those articles than before, it only proves that, however great its previous powers may have been, they were held at the will of the states, and were actually recalled by the articles of confederation. Thus it appears that, in the important functions of raising an army, of providing a public revenue, of paying public debts, and giving security to the persons of foreign ministers, the boasted 'sovereignty' of the federal government was merely nominal, and owed its entire efficiency to the co-operation and aid of the state governments. Congress had no power to coerce those governments; nor could it exercise any direct authority over their individual citizens.

"Although the powers actually assumed and exercised by congress were certainly very great, they were not always acquiesced in, or allowed by the states. Thus, the power to lay an embargo was earnestly desired by them, but was denied by the states. And, in order the more clearly to indicate that many of their powers were exercised merely by sufferance, and at the same time to lend a sanction to their authority so far as they chose to allow it, it was deemed necessary, by at least *one* of the states, to pass laws indemnifying those who might act in obedience to the resolutions of that body."* pp. 30—33.

Our introductory remarks, which we cannot prevail on ourselves to retrench, have been so unexpectedly extended, and our extracts have been necessarily so long, that we have no room to accompany the author in his discussion of other questions, which arise between him and Judge Story. But, in truth, the root of the matter is in the first point, (the *one-ness* of the United States.) If Judge Story is right in this, he is right throughout;

* This was done by Pennsylvania.—See 2 *Dallas' Col. L. of Penn.* 3.

and, if constrained to concede this one point, we would hardly think it worth while to dispute any of the rest, or, indeed, to question or strive against any power he might claim for his overshadowing colossus of centralism.

The interest we take in this question must be our excuse for offering one remark of our own, in aid of the arguments of the able writer, whom we are recommending to the favourable attention of the public.

The writers of the "Federalist" were among the framers of the constitution, they undertook to expound and advocate it. They were the most extreme centralists of their day, and their authority *against* centralism should be conclusive.

In arguing in favour of the constitution, they recommend it, not only for the good that was in it, but for the evil that was to be avoided. What was that evil? It is not worth while to cite particular passages. The work may be quoted *passim*, for passages, in which the consequences of rejecting the proposed constitution are vividly depicted. What are these? Are the people ever told, that the whole population of the continent would tumble together into one confused and unsocial mass, in which all, who wish to establish again the dominion of law and order, would have to seek out associates, like-minded with themselves, and form *new bodies politic*, of which the local habitation, the boundaries and the name were yet to be ascertained? No such thing. They say, distinctly, that Virginia would be Virginia still, and Massachusetts, Massachusetts still; and then discuss the probability whether New York, and Pennsylvania, and Maryland would league themselves together, against their neighbours, both on the south and on the north, or seek to ally themselves with the one or the other. How could these things be so, if these states owed their political existence (as they then existed) to the confederation, or to the constitution, or to any imaginable exercise of the common will of the universal and comprehensive body politic? Yet, they were either the creatures of the constitution, or its creators. Which were they?

On the whole, we venture to recommend this work to the attentive perusal of all; and, especially to the favourable regard of anti-central, or states' rights men, into whatever party they may have fallen, during the late political struggle. If they will study it diligently, they will see that the fundamental principle of their creed is common to them all, and should hold them all together. *That* is not divided any more than "Christ is divided;" and he who says "I am of Paul," and he who says "I am of Apollos," alike betrays his cause. He who upholds the sovereignty of the states, is on our side. He who assails this, is against us—even though, the moment before, we had fought, shoulder to shoulder, against a common enemy.

LECTURE XXII.

Delivered to the Law Class of William and Mary College, June 17, 1839, *being the last of a Course of Lectures on the Philosophy of Government and Constitutional Law.*

I know not, gentlemen, whether a desire to recall some of the thoughts presented in the course of lectures which I am about to conclude, is suggested by a sense of duty to you or to myself. It may be due to both. Among you, I flatter myself, there are some whose partial friendship might dispose them to adopt my opinions with too much confidence. These, I am especially bound to guard against any evil consequences of a sentiment which so justly deserves my gratitude. On the other hand, it has been often my duty to present considerations favourable to opinions which my own mind does not decidedly adopt; and in the minds of those who reject them I may stand charged with errors from which I am free.

In the progress of these lectures, I have endeavoured to guard against both of these evils. You will remem-

ber, that, in the outset, I said, that I would not flatter you with a promise, that political truths which have eluded the investigations of the most candid and enlightened of all ages, should be laid open to you. These words were perhaps understood, at the moment, as the mere common-place of modesty—real or affected. But they had a far deeper meaning. They were uttered under a conviction, which all subsequent investigation and reflection have but confirmed, that researches into the philosophy of government, promise, at best, but an approximation to truth; and that, to him whose mind cannot be brought to rest content in doubt, they promise nothing at all. If there be any such among you, he will be sensible that he has derived no benefit from me. The only service I could have rendered such a one, would have been to effect such a change in the temper and disposition of his mind, as to prepare him to enter, an humble and teachable pupil, in the school of experience. If I have failed in this, I have failed in every thing. With such, I fear, I am particularly liable to misconstruction. To such, every suggestion calculated to throw a doubt on any cherished opinion, might seem like the avowal of the opposite opinion. In politics, as in religion, to him whose comfort requires an infallible guide, any doubt of his infallibility seems equivalent to a direct contradiction of all his doctrines. To the bigot, all others are bigots. To doubt, is bigotry. To hesitate—to pause and reflect, is bigotry. All who are not for him, are against him, and he against them.

Against this uncandid temper—the parent of so much error, so much faction, strife, contention, and bitterness of heart—my labours have been particularly directed. It is a temper that can serve no purpose but to make him who cherishes it the ready instrument of party, the easy tool of any who will repeat his creed, and tickle his ear with the plausible formulas which he habitually receives as compends of political truth. At the same time he is ready to denounce all who will not repeat this creed and these formulas. Hence, men distinguished for that thoughtful sobriety of understanding which reflects patiently and judges wisely, can have no

place in his confidence. He has reduced the science of government to a system of maxims, and the man who hesitates to adopt any one of them, is set down in his mind as devoted to another system, the opposite of his in all things. Thus it is, that the discreet and conscientious are condemned by bigots and system makers of all parties; and thus it is, that the affairs of nations are given up to the blundering misrule of the rash and unscrupulous, while the men most competent to manage them are condemned to inaction and obscurity. Belonging to no party, they are charged with the sins and errors of all parties. Having the wisdom to perceive that they do not know every thing, they are set down by the confident and presumptuous as knowing nothing.

This is no enviable lot; yet I frankly confess to you, that the aim of all my instructions has been to dispose and qualify you to take your place among these. These are, after all, the salt of the earth. Were such men more common, mutual support might ensure them more respect, and their numbers might give them consequence and authority. To increase their number would be to render the state the most important service. Something like this is the object I have had in view. But you will see, gentlemen, that it is at your expense that I have proposed to accomplish it. I have sought to enlist you in a forlorn hope, where you may have to sacrifice every thing in a strenuous effort to serve your country, it may be, in spite of herself. But I have not sought to *beguile* you into a service so desperate. I have offered neither pay nor bounty; neither the emoluments of office, nor the applause of your contemporaries. I have not taught you to hope the countenance of any party, nor the favour of any leader. I have told you, as I tell you now, the naked and unvarnished truth, and admonished you in the outset, that if you wish to win your way to power and distinction by the arts of the demagogue and partizan, you should avoid this place.

I have been aware, that in a system of instruction adapted to these ideas, there can be nothing to make it

popular. This, too, I have already told you. But it is not my business to study popularity, but truth. I am fully aware, that by him who is eager after knowledge, rash confidence is preferred as a guide before sober doubt; that to most men specious error is far more palatable than unseemly truth; and that the safest opinions are those which are most current.

Here, gentlemen, is one of the inconveniences that attends the study of political science. In physics, in mathematics, and even in morals, investigation is stimulated and encouraged by the honours which await him who discovers a new truth, or detects an established error. Such are the foundations of that fame which renders immortal the names of Bacon and Newton, and promises the same reward to the men whose researches, in our day, have penetrated so deeply into all the mysteries of nature. With this honour in prospect, the philosopher addresses himself to his task as one who seeks for hidden treasure. If he fails, he can but die and be forgotten. But if he succeeds, he secures for himself a name among the benefactors of mankind.

Far different is the lot of him who devotes himself to the investigation of political science. That which is immortality to others may be death to him. He follows after truth, as one who tracks an enemy that may turn and destroy him. He will do more to advance his fame by devising specious sophisms in defence of vulgar errors, than by the discovery of a new truth, which, being new, must clash with opinions consecrated by prejudice, and sanctioned by the authority of numbers.

Thus it is, that each country has its own political creed, which no man dares assail. So true is this, that, turn where you will, you will find the prevalent opinion of every people, favourable, in the main, to their own institutions. Abuses may indeed be perceived; but, for the most part, radical defects are mistaken for abuses. The spirit of revolution, too, sometimes suggests innovation and change; but, in the calm and healthy condition of every community, the *beau ideal* of a perfect government seems to each something not

widely different from its own. The authority of numbers is no evidence that any of these is right; for, numbers decide one way in a republic, and another way in a monarchy. Precisely thus, at this moment, do the most enlightened men of the two most enlightened countries in the world differ from each other. Yet in each the authority of numbers supervises the researches of the political philosopher; and the love of fame, which is the incentive to all other investigations, does but awaken a more lively dread of the scourge with which public opinion stands prepared to punish the unlucky discoverer of any unpalatable truth.

You will see, gentlemen, that if, like most men, I have a zeal for my art, I take a poor way to recommend it. It might, perhaps, be thought that the ideas I have just suggested, are at the bottom of the doubting and undecided character of almost every thing that I have said to you. But though it may seem safer to doubt than to err, yet this idea is often deceptive. Error may be condemned; and truth may pass for error. But he who teaches either, will not stand alone. He will always have some to concur with and countenance him. But he who doubts has all the world against him. He is at the centre of the magnetic card, and there is no point of the compass from which he does not appear to be at the opposite edge of the horizon. He will not even obtain the praise of candour. To question the perfection of the institutions of his own country, is, at home, supposed to indicate a secret preference for a government as different as possible: while abroad, he is regarded in every nation, as having a glimmering perception of the excellence of the institutions of that particular nation, without daring to avow it.

You see, then, gentlemen, that the temper of mind which I have endeavoured to inspire, is, of all, the most unfavourable to popularity and advancement. *But the end is not yet.* We do not live for ourselves, nor even for our contemporaries alone. '*Diis immortalibus sero*,' was the noble saying of the aged Roman, as his gray hairs fell over the plough, while putting in a crop which he could not live to reap. Our country is not a thing

of a day: and fame is immortal. And remember, gentlemen, that they whose speculations on government have purchased for them an interest in that immortal thing, are they whose respect for the opinions of their countrymen, did not deter them from correcting their errors and rebuking their prejudices. To those who may be disposed to accompany me in the study of political science in this spirit, I am bound, in candour, to say, in the words of the apostle, that "if in this life only we have hope, we are, of all men, the most miserable." Our doubts, if unreasonable, will only excite contempt; if well founded they will provoke the resentment of those whose rashness and errors they rebuke. How many venture into public service, with no qualification, save only a presumptuous ignorance, unconscious of those mysteries in the science of government, which the wisest explore in vain! Deprive such men of their ill-founded confidence, by opening their eyes to see the difficulties and dangers that beset the statesman's path, and you leave them nothing. And how can we hope the forgiveness of such, who, deeming themselves wise, are awakened from their delusion, but to find that they "are poor, and miserable, and blind, and naked?" Nothing in short, can be more unthankful than the task of him who would couch the eyes of such, as being blind, yet fancy that they see.

I have not meant to intimate, gentlemen, that every part of political science is alike involved in mystery and paradox. I have had no difficulty in teaching you, that the great principles which lie at the foundations of all free institutions, are unquestionably true. The primitive equality of man, and the right of each individual to live exempt from all human authority, to which he has not consented to submit, either by express compact, or by legitimate and fair implication, cannot be taught more unequivocally by any than they have been by myself.

But, when we trace this *primitive equality* to the inequalities *which grow out of it*, and *furnish the measure of its value*—when we begin to inquire, on the one hand, how far regulations in derogation and curtailment of

these *adscititious advantages*, can be reconciled to the respect due to that principle of *original equality out of which they grow*, and, on the other, how far the ulterior preservation of *essential equality* may be endangered by the *unqualified allowance* of these advantages, we enter on questions full of difficulty and doubt.

So, too, of the right of self-government. This I have affirmed; and I go farther, and affirm also, man's *capacity* for self-government. But do I affirm this of *all men—everywhere—under all conditions*—and in *all circumstances?* Assuredly no! It is not true of the ignorant, the vicious, the licentious, the self-indulgent. It is not true of any who are not willing to take security against themselves, by self-imposed restraints on will and appetite. The man who affirms of himself, that he is capable of regulating his own conduct, and who, *therefore*, refuses to acknowledge the authority of any moral code, gives proof against himself of the falsehood of his pretensions. We know this to be true of individuals; and it is yet more fearfully true of men in great masses. It has been aptly said, that freedom in multitudes is power; and in multitudes not under the regulated discipline of fixed principles and self-imposed restraints, it is power in its most formidable aspect. Opinion restrains the abuse of power in an individual; but power in multitudes, makes for itself what is easily mistaken for the opinion of the world. There is nothing so ruthless, nothing so dead, alike to conscience and to shame, as a licentious crowd unrestrained by authority.

When we come, then, to inquire how far the present enjoyment of liberty may consist with those conventional and self-imposed limitations on the right of self-government, which may be necessary to its preservation, we enter on a task which any man may well tremble to undertake. To him who would dogmatize here, the adjustment of the balance between those powers, contending yet harmonious, on which the order of the planetary system depends, would seem an easy problem. The countless worlds, revolving, each in its appointed path, implicitly obeying the law impressed on

them at creation. Not so the moral universe, the world of will and passion. With these the Omnipotent himself must parley; tolerating much present evil for the sake of ultimate and greater good; yielding that he may conquer. When we say, that no man can confidently decide how far a people jealous of the right of self-government should voluntarily limit its exercise, we do but affirm that human institutions are subject to the necessity inhering in the nature of things, which is one of the conditions of the moral government of the universe. Step forth, philosopher! you have discovered the great *arcanum!*—you who have ascertained how best to reconcile the present enjoyment of happiness with its perpetuity; the present exercise of freedom with security against its tendencies to self-destruction!—step forth, and read a lesson to the Most High! He shall hear you gladly! He shall descend from the throne of his power, and, taking the place of the learner, shall meekly seat himself at your feet! For my part, while I see the nature of all earthly blessings; while I mark their liability to perish in the using; while I witness the hard servitude of those who yield themselves to the dominion of passion, I shall believe that none are capable of freedom, who are not "disposed to put moral chains upon their own appetites, and who are not more inclined to listen to the counsels of the wise and good, than to the flattery of knaves." When, therefore, the question arises, "what *does* wisdom teach, and what are the proper and salutary restraints to be imposed?" I am not ashamed to be baffled by a difficulty which for six thousand years has tasked the resources of almighty Power and all seeing Wisdom. The discipline of life,—the hopes of heaven,—the terrors of hell,—all have been employed to this end, and its accomplishment is yet remote.

"He is a freeman whom the truth makes free;"

and the truth that thus emancipates him, is that which teaches that there is no freedom for him, in whom there is not an abiding disposition to bring appetite and passion under the dominion of fixed laws, whose authority

freedom must not dare to question. To him who is not content to be free on these terms, "chains under darkness" is the appointed lot in this world, as in the next. To this the Word of God and the experience of all mankind alike bear witness. This is all that can be known with certainty. This is the truth, from which the wisest of ancient sages learned that he knew nothing. Beyond this all is darkness. On the unsearchable mystery which lies buried in the depths of that impenetrable abyss of night, we can but muse and marvel at the presumption which pretends to have fathomed it. But while the pride of human wisdom stands thus rebuked, we find consolation in the thought, that the truth which thus baffles our researches, is of the number of "the hidden things that belong to God." To him we leave it.

But it is not alone of the great fundamental principles common to *all* free institutions, that I have ventured to speak with confidence. In the application of these principles to *our own* institutions, we have the aid of lights sufficiently clear to guide us to certain conclusions.

Thus, when we affirm, "that man has a right to live exempt from all human authority, to which he has not consented to submit, either by express compact, or by legitimate and fair implication," we perceive the necessity of showing the evidences of that consent, in virtue of which we ourselves are governed. Here we speak from the record, and we speak boldly. We find the charter which, more than two hundred years ago, constituted Virginia a body politic. We find the unanimous declaration of all the members of that body, solemnly proclaimed, sixty-three years ago, "that all power is vested in, and consequently derived from, the people; that magistrates are their *trustees* and *servants*, and at all times amenable to them; and that, when government shall be found inadequate to their happiness and safety, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the common weal."

These propositions, thus affirmed by all whom it concerned, are true, because they have affirmed them, if for no other reason. They form the basis of the compact which they prefaced, and afford a clew to its interpretation. Guided by this, we arrive at the conclusion, that sovereignty, whether sleeping or awake, whether active or in repose, is in the people: that sovereignty cannot, therefore, be rightly predicated of any government; and that where there is no people, there is no sovereignty.

Proceeding on these principles to analyze the structure of that great federal compact, which is the talisman of security, power, prosperity, and happiness to the people of these states, I have shown you the recorded evidence of its binding authority over you. I have laid before you the solemn act of Virginia, declaring "her assent and ratification of that instrument," and her mandate announcing to all whom it might concern that it is binding upon her people. I have thus endeavoured to impress on your minds the conviction, that in giving your respect to the functionaries, and your obedience to the laws of the central government thereby established, you do but obey her; that you do this, because she has commanded it, and by no other authority; and that, should she ever think proper to revoke this mandate, her will, in that too, must be law to you. I have not presented those propositions as undisputed; but I have affirmed, that so long as we look to the *record* which *alone witnesses* of the obligation of the federal constitution; so long as we abide by the *law* and the *testimony*, they can never be rightfully or truly denied.

I have urged these thoughts the more strenuously because on the clear and distinct recognition of these depends the preservation of our cherished Union. So long as the federal government is professedly a government of opinion, opinion will uphold it. But, let it claim to rule by force, and the question will presently arise, whether a free people *can* be governed by force. The answer to that question will be written in characters of blood; and that answer, whatever it may be, must be fatal to union. The decision, thus made, must

be followed by a violent disruption of the bond, and a separation of the inhabitants of this continent into a microcosm of petty states, weak factions and contemptible, or by the all pervading sway of one vast frightful consolidated despotism.

Of the truth, then, or the value of the fundamental principles *common to all* free governments, and of those which are *peculiar to our own*, I would not have you doubt. But for the means of giving security and efficacy to these, I must be content to leave you to the teachings of that school of *observation* and *experience*, into which you will pass from this. There it is, gentlemen, that honours are to be conferred, which a generous ambition well may covet. Of these, the parchment and the wax which you receive at our hands, are but the types; and, trust me, that your success in winning these higher honours, depends much less on what you may have learned here, than on your disposition to improve the lessons to be taught hereafter. Hence I have rather studied to establish this disposition in your minds, than to implant there even those most cherished opinions, which can never be eradicated from my own. By a different course, I might but have led you to conclusions in which you might rest satisfied, forgetful of the arguments by which they had been deduced. You would thus only add yourselves to the number of those whose mouths are full of dogmas unsupported by reason, who, knowing nothing, claim to know everything, and render their ignorance more conspicuous, disgusting and offensive, by misapplied presumption. Where certainty is attainable, it may be criminal to doubt. In matters of high moral or political duty, it is always so. But on questions in which mere expediency is an important condition, *experience* is the only teacher. If I have at any time forestalled the lessons of that faithful and candid instructor, I have done you wrong; and I beseech you, in justice to yourselves, and to me, to endeavour to divest your minds of all impressions, which you do not feel yourselves prepared to vindicate by reason. I should promise myself more honour from a pupil, who, dissenting from me, should be always found ready to give a reason for his faith, than from a hun-

dred who might answer, by the book, every question in a political catechism of my own framing, giving no reason and no authority but mine for his answers. My business has been to teach you to observe; to compare; to think;—and he who, applying my lessons, arrives at results different from my own, will do me credit with the wise and candid, even in exposing my errors.

But I have proposed to myself a higher honour. When, instead of announcing an opinion, and enforcing it by argument, I lay before you the considerations that belong to both sides of any disputed question, or furnish your minds with thoughts and reflections susceptible of being variously applied by yourselves in the investigation of more than one truth, I establish for myself a claim to some part of the credit of all you may discover or achieve. Not having been encouraged to sit down contented in a conclusion hastily adopted, you must remember the arguments for and against it, or you remember nothing. Not having made up your minds how to decide a question, you cannot cheat yourselves into the belief that you understand it. So long as it remains a subject of doubt with you, so long will you continue to meditate and reflect, and memory will tenaciously cling to every consideration, which, when first presented, seemed to throw light upon the subject. Your opinions thus formed, will be your own; yet, while you enjoy the pleasure of having arrived at truth by your own researches, you will perhaps be ready to attribute your success in part to me. But though I may deceive myself in this, of one thing I am sure; that whenever experience may, at any time, convince you of the error of opinions too hastily adopted, you will at least exempt me from any part of the blame of that error.

You see then, gentlemen, how large an interest I have in dealing candidly, fairly and impartially with you. So far from wishing to charge your minds with my opinions, it has not been without painful misgivings that I have sometimes discharged the duty of leading you to conviction, in cases where it might be criminal to doubt. The idea that such convictions may, at any time, be prejudicial to your advancement or your usefulness in life, is one which I cannot contemplate without anxiety.

Should this apprehension be realized, you will be too generous to blame me; but I shall find it hard not to blame myself. Yet even in that event, we shall both enjoy high consolations. The perception of truth is sweet: the love of truth is ennobling; and an uncalculating devotion to truth is honourable even in the eyes of its enemies.

In these thoughts you may perceive the reason, gentlemen, why I have carefully avoided any remarks which might influence your inclinations in favour of any of those party leaders who claim to monopolize the confidence of the people. I presume it cannot be unknown to you, that I am not remarkable for indifference to the political occurrences of the day. I am aware too, that I am, unfortunately, supposed to be much addicted to personal predilections in favour of distinguished men. In this particular I need not, at this day, tell *you* that I have been misunderstood. Such predilections I do not feel. *Nullius jurare in verba,* is the cardinal maxim which I learned in early life, from the only politician who ever possessed my entire confidence. But though not only unpledged, but indisposed to follow any political leader, I am certainly not without my aversions and antipathies. With these, however, it was no part of my business to infect you. I have certainly not endeavoured to do so; and hence it has always been with reluctance, that I have touched on topics connected with the characters and public history of political aspirants. You may, one of these days, be surprised to discover, that I have in some instances, been careful not to advert to transactions which came directly within the scope of my remarks, on subjects of the most absorbing interest. But it would not have been just to you, to have *invited* or *provoked* the *co-operation* or *resistance* of any political prejudice which you might have already entertained. My business was, to lay my thoughts before you, and by fair and candid arguments to lead you into the light of the truth. Why then should I have introduced into the discussion an element which might have influenced you to adopt my views without a well founded conviction of their correctness, or to reject them, alike without reason? On

the other hand, how uncandid and unworthy of the relation I bear to you, to take advantage of my position for the purpose of infecting you with my partialities or dislikings. If, at any time, I have fallen into this error, gentlemen, I beg you, in consideration of my inadvertence, to pardon a lapse which would admit of no other apology.

Sometimes, indeed, it has been my duty to express myself in a way, which, to the uncandid, might have savoured of a wish to insinuate into your minds something of my own feelings of liking or aversion. "History," it has been said, "is philosophy teaching by example:" and he must be illy qualified to direct your researches after truth, who should reject the lessons of this sage instructor. From these, indeed, we learn all that can be known. Here it is, that we discover the connection between events and their causes, and here we learn that lesson, so humbling to the presumption of the mere theorist, which I have so often laboured to illustrate and enforce. I allude to the tendency of moral causes, in their ill-regulated action on the minds of men, to provoke reaction, and thus to produce results exactly the reverse of those intended or expected. Here, too, it is that we learn to contrast the *profession* of the *aspirant*, with the *practice of successful ambition.* As the experienced seaman augurs the storm from the slumbering calm that precedes it, and, in the cloud on the horizon, "no bigger than a man's hand," detects the tempest that may whelm him in the deep, so he who reads the future in the past history of man, is sometimes enabled to discover the approach of danger at the moment when the watchman on the wall is crying "peace, and all is well."

But, where shall we look for those facts which furnish this precious wisdom? Shall we find them in the fabulous legends of remote antiquity? Shall we seek them in histories more modern, perhaps more authentic, but which may mislead us, because we know not enough of the manners, habits and circumstances of ancient states, to determine all the conditions that may have influenced in the production of any result? Coming down to modern times, shall we take all our examples from the na-

tions of Europe and Asia, at the hazard of being misled in the same way? In short, gentlemen, when, at any time, the history of our own country—the history of events happening in our own time, and under our own eyes, in which all that is done is the work of men whom we personally know and understand in all their relations—when this sure, authentic and ungarbled evidence discloses facts of which the political philosopher in other lands would be glad to avail himself, shall we alone be denied the advantage of it? We may speak of Miltiades and Camillus, of Pericles and Cæsar, of Alcibiades and Catiline—we come down to Elizabeth and Henry the 4th, to Cromwell and Bonaparte, to Chatham and Sully—we may even cite the example of WASHINGTON, consecrated to the use of all the world by liberty and virtue—and we may speak of Arnold and of Burr, whom the hangman, infamy, has delivered up for dissection. But must we necessarily stop there? If, at any time, the best means of explaining and illustrating an important truth cannot be employed, but by naming those who are still upon the stage of life, must we forbear to use these means, lest we be suspected of flattery or malignity? The necessity for doing this should indeed be always clear and strong: and you will bear me witness, that I have commonly done so with reluctance. Fortunately for me, gentlemen, (unfortunately for our country,) it has happened that I could not perform my whole duty in this particular, without showing you that there is not one among those sworn defenders of the constitution, who stand most conspicuous as candidates for public favour, and public honours, at whose hands it has not received a wound. I have often indeed endeavoured to give the history of the fact without naming the actor. Yet I have, from time to time, had occasion to name them all, and though I have never attempted to excite your indignation, yet there is not one of them whom I have forborne to censure. I have felt it to be right that I should censure them: for, one of the most important lessons you can learn, is the danger of yielding yourselves up to the impulses of that confidence, so natural to inexperienced and sanguine youth. "Put not your trust in princes, nor in the sons of men." If you

go into life prepared to pin your faith upon the sleeve of any leader, to follow the fortunes and devote yourselves to the service of any political aspirant, my conscience ought to acquit me of having failed to warn you against conduct so dangerous and so criminal. It does acquit me. If such are the purposes which will accompany you into any station, to which your country may call you, the fault will not be mine. I have done what I could. With other powers I might have done more: and had I the eloquence which might inspire you with a just zeal for your country's rights, and a righteous indignation against all who invade them, I am not sure that it would not have been my duty to lay aside all reserve; to strip off all concealment; to show the assassins of the constitution "hacking each other's daggers in its sides;" expose its bleeding wounds, and "bid them speak for me."

Yet I must not mislead you, gentlemen, by withdrawing your attention from the fact, that he, who in political life would act alone, must always act without effect. His efforts must often be associated with those of men who do not fully possess his confidence; and to secure their co-operation, he must frequently tolerate, and sometimes support measures which his judgment condemns. This is one of those hard conditions, "twin-born with greatness;" which gives the successful aspirant so much cause to envy him, who, in the independence of private life, chooses his company and regulates his conduct by the dictates of his own conscience.

In this, gentlemen, as in many other particulars, you will find that the ideas I have endeavoured to inculcate, are not such as will qualify you to take an early and a prominent stand in the service of your country, or to win your way at once to the honours and emoluments of office. But if these last be the objects to which you purpose to devote yourselves, nothing that I have said will stand in your way. The political adventurer is never at a loss to divest himself of any inconvenient opinions, which might retard his progress in the career of ambition. Besides, there are no imaginable opinions which it may not at some time suit him to adopt. The

devoted adherent of Cromwell the *Protector*, would have awkwardly paid his court, by echoing the sentiments of Cromwell, the *commander of the army of the Parliament*. So long as parties retain their names, their watchwords and their leaders, their principles may vary indefinitely; and the very men who might now denounce as criminal, any sentiment expressed in t[illegible] discourse, may, at a future day, take it as the wat[illegible] word of their party.

But after all, gentlemen, the prize most wort[illegible] reward the toils of him who gives himself to the s[illegible] of his country, is one which does not depend capricious coincidence of public opinion with l[illegible]ed principles and convictions. The ostracism as the crowning glory of the life of Aristides. The exile of Camillus made him the saviour of his country: and the fame that lives and will live, when all the honours that contemporary approbation can bestow, sha[illegible] be forgotten, is the meed of that virtuous constancy, that alike defies the tyrant's power, and resists the unbridled passions of the multitude. The man of virtuous [illegible] dom cannot be withheld from the service of his country. Condemned to retirement, his unambitious li[illegible] affords a pledge of sincerity, which gives sanction and authority to his known opinions. The man of virtuous wisdom cannot be hid. His brightness shines through the cloud that would obscure him, and, gilded with hi[illegible]ons, he wears it as a glory. His fame is the gift [illegible]im, whose approbation is the only true honour. Without the 'vantage ground of high station, he utters his voice, and it is heard by the listening ear that leans to catch his words. His post is the post of honour, whatever it be, and he occupies it without fear of change. Man conferred it not, and man cannot take it away. And above all, gentlemen, when that day shall come, which comes alike to all; when the warrior's wreath, and the statesman's civic crown, alike shall wither at the touch of death, the garland that decks his tomb shall bloom in immortal freshness, watered by the pious tears of a grateful country, and guarded by the care of him to whom the memory of the just is precious.

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